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THE SCOTS STATUTES, 1901,

PASSED IN THE FIRST YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

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THE

SCOTS STATUTES, 1901,

PASSED IN THE FIRST YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

CHAPTER I.

AN ACT to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred, one thousand nine hundred and one, and one thousand nine hundred and two. [29th March 1901.]

Sect. 1.—Issue of £5,229,355, 2s. out of the Consolidated Fund for the service of the years ending 31st March 1900 and 1901.

Sect. 2.—Issue of £44,721,500 out of the Consolidated Fund for the service of the year ending 31st March 1902.

Sect. 3.—Power to the Treasury to borrow.

CHAPTER II.

AN ACT to provide, during Twelve Months, for the Discipline and Regulation of the Army. [29th April 1901.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of four hundred and fifty thousand, including those to be

employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

44 & 45 Vict. c. 58.—And whereas the Army Act will expire in the year one thousand nine hundred and one on the following days:

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c.*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Short Title.—This Act may be cited as the Army (Annual) Act, 1901.

2.—Army Act (44 & 45 Vict. c. 58) to be in Force for specified Times.—(1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(*a.*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and one to the thirtieth day of April one thousand nine hundred and two, both inclusive; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand nine hundred and one to the thirty-first day of July one thousand nine hundred and two, both inclusive; and

(*c.*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of December one thousand nine hundred and one to the thirty-first day of December one thousand nine hundred and two, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

3.—Prices in respect of Billeting.—There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the schedule to this Act.

Amendment of Army Act.

4.—Amendment of 44 & 45 Vict. c. 58, s. 70, as to Courts of Inquiry.—At the end of section seventy of the Army Act the following subsection shall be inserted as a new subsection:—

"(5) The rules as to the procedure of courts of inquiry may provide for evidence being taken on oath and may empower courts of inquiry to administer oaths for that purpose."

5.—Substitution of References to King.—Throughout the Army Act, references to Her Majesty the Queen shall be construed as references to His Majesty the King, and the necessary words shall be substituted accordingly.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Fourpence per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act.	One shilling and threepence halfpenny each.
Breakfast as so specified	One penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer	Two shillings per night.

Note.—An officer shall pay for his food.

CHAPTER III.

An Act to amend subsection (1) of section nine of the Purchase of Land (Ireland) Act, 1891, and subsection (2) of section forty-three of the Land Law (Ireland) Act, 1896. [2nd July 1901.]

CIVIL LIST ACT, 1901.

[1 Edw. 7. Ch. 4.]

Arrangement of Sections.

Section.
1. Payment of hereditary revenues to Exchequer.
2. Annual payment for Civil List.
3. Provision for Duke and Duchess of Cornwall and York.
4. Provision for His Majesty's daughters.
5. Provision for the Queen in the event of her surviving the King.
6. Appropriation of Civil List.
7. Payment of certain retired allowances by Treasury.
8. Charge of payments under Act.
9. Continuance of enactments, commencement, repeal, and short title

Schedules.

CHAPTER IV.

AN ACT to make provision for the honour and dignity of the Crown and the Royal Family, and for the payment of certain allowances and pensions.

[2nd July 1901.]

Most Gracious Sovereign,

WHEREAS Your Majesty has been graciously pleased to signify to your faithful Commons in Parliament assembled that Your Majesty placed unreservedly at their disposal those hereditary revenues which were so placed by Your predecessor, and that Your Majesty is desirous of making competent provision for the honourable support and maintenance of Your Majesty's Son, the Duke of Cornwall and York, Your Daughter-in-law, the Duchess of Cornwall and York, and Your Daughters, the Princess Louise, Duchess of Fife, the Princess Victoria, and Princess Charles of Denmark, and that your Majesty is further desirous that similar provision should be made for Her Majesty the Queen in the event of Her surviving Your Majesty, and for the Duchess of Cornwall and York in the event of Her surviving the Duke of Cornwall and York :

Now therefore we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, have freely and voluntarily resolved to make such provision as herein-after appears for the purposes aforesaid, and we do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—PAYMENT OF HEREDITARY REVENUES TO EXCHEQUER (1 VICT. s. 2).—The hereditary revenues which were by section two of the Civil List Act, 1837, directed to be carried to and made part of the Consolidated Fund shall, during the present reign and a period of six months afterwards, be paid into the Exchequer, and be made part of the Consolidated Fund.

2.—ANNUAL PAYMENT FOR CIVIL LIST.—There shall, during the present reign and a period of six months afterwards, be paid for the King's Civil List, the yearly sum of four hundred and seventy thousand pounds.

3.—PROVISION FOR DUKE AND DUCHESS OF CORNWALL AND YORK.—(1) There shall be paid to His Royal Highness the Duke of Cornwall and York during the joint lives of His present Majesty and of His said Royal Highness an annuity of twenty thousand pounds.

(2) There shall be paid to Her Royal Highness the Duchess of Cornwall and York during the continuance of her marriage with His Royal Highness the Duke of Cornwall and York, for her sole and separate use, but without any power of anticipation, an annuity of ten thousand pounds.

(3) In the event of Her Royal Highness the Duchess of Cornwall and York surviving His Royal Highness the Duke of Cornwall and York, there shall be paid to her during her life an annuity of thirty thousand pounds.

4.—PROVISION FOR HIS MAJESTY'S DAUGHTERS.—(1) There shall be paid to the trustees herein-after mentioned as a provision for the benefit of His Majesty's daughters the annual sum of eighteen thousand pounds during their joint lives, to be reduced on the death of each of the said Princesses by six thousand pounds.

(2) The persons who are for the time being the First Commissioner of His Majesty's Treasury, the Chancellor of the Exchequer, and the Keeper of His Majesty's Privy Purse shall be the Princesses' trustees, and shall be a body corporate by that name, and any act of the trustees may be signified under the hands and seals of the persons who are the trustees for the time being.

(3) The trustees shall hold the annual sum paid to them under this section, in trust for all or any one or more of the daughters of His Majesty, in such shares, at such times, in such manner, and subject to such conditions and powers of revocation (including, if it is thought fit, a condition against alienation) as His present Majesty

may by order countersigned by the First Commissioner of His Majesty's Treasury and the Chancellor of the Exchequer, appoint. Provided that any such appointment may be varied by another order made and countersigned in like manner.

5.—Provision for the Queen in the Event of Her surviving the King.—In the event of Her Majesty Queen Alexandra surviving His Majesty the King, there shall be paid to her during her life an annuity of seventy thousand pounds.

6.—Appropriation of Civil List.—(1) In the application of the sum paid for the Civil List the amounts mentioned in the second column of the First Schedule to this Act shall be appropriated to the class of expenditure mentioned opposite thereto in the first column of that Schedule.

(2) If at the end of any calendar year any part of the sum appropriated to any class of expenditure is not required for that class, the Treasury may direct that sum to be applied as an addition to the sum available for any other class.

7.—Payment of Certain Retired Allowances by Treasury.—The Treasury may undertake the payment of—

(*a.*) any retired allowances (of a total amount not exceeding twelve thousand pounds) granted by Her late Majesty and paid as part of the expenditure of Class II. of Her Civil List; and

(*b.*) any retired allowances (of a total amount not exceeding thirteen thousand pounds) granted by His present Majesty before the twenty-third day of July nineteen hundred and one to any persons having been in Her late Majesty's service for a longer period than ten years;

and shall keep a register of any allowances the payment of which they so undertake.

8.—Charge of Payments under Act.—The sums required under this Act for the Civil List, and for the provision under this Act for Her Majesty the Queen, their Royal Highnesses the Duke and Duchess of Cornwall and York, and His Majesty's daughters, and for the payment of the retired allowances payable by the Treasury under this Act, and for the payment of Civil List pensions (whether granted before or after the passing of this Act), shall be charged on and paid out of the Consolidated Fund or the growing produce thereof, and shall be paid at such times and in such manner as the Treasury may direct.

9.—Continuance of Enactments, Commencement, Repeal, and Short Title.—(1) Sections five and six of the Civil List Act, 1837, which relate to Civil List pensions, shall continue to apply during the present reign and a period of six months afterwards, but Civil List pensions shall not be granted as chargeable on the sum paid for the Civil List.

(2) The Civil List Audit Act, 1816 (56 Geo. 3. c. 46), and all other enactments relating to the Civil List of Her late Majesty, and not hereby superseded or expressly repealed, shall continue to apply to the Civil List under this Act, and nothing in this Act shall affect any rights or powers for the time being exerciseable with respect to any of the hereditary revenues which are by this Act directed to be paid into the Exchequer.

(3) The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and the provisions made by this Act shall be in substitution for the provisions made by the enactments so repealed, but the hereditary revenues of excise on beer, ale, and cider, which were suspended by section seven of the Civil List Act, 1837 (1 & 2 Vict. c. 2), shall cease to be chargeable.

(4) This Act shall take effect as from the last demise of the Crown, and such adjustments and allowances shall be made as may appear to the Treasury necessary for giving effect to this provision during the present year.

(5) This Act may be cited as the Civil List Act, 1901.

SCHEDULES.

FIRST SCHEDULE.

Classes of Expenditure.	Sum Appropriated.
	£
I. Their Majesties' privy purse	110,000
II. Salaries of His Majesty's household and retired allowances	125,800
III. Expenses of His Majesty's household	193,000
IV. Works	20,000
V. Royal Bounty, alms, and special services . . .	13,200
VI. Unappropriated	8,000
Total	470,000

SECOND SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
1 Vict. c. 2 .	The Civil List Act, 1837. . . .	The whole Act, except sections five, six, and fourteen.
26 Vict. c. 1 .	An Act to enable Her Majesty to provide for the establishment of His Royal Highness the Prince of Wales and Her Royal Highness the Princess Alexandra of Denmark, and to settle certain annuities on Her Royal Highness.	The whole Act.
52 & 53 Vict. c. 35	The Prince of Wales's Children Act, 1889	The whole Act.

CHAPTER V.

AN ACT to amend the law relating to the Holding of Offices in case of the Demise of the Crown. [2nd July 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—EFFECT OF DEMISE OF CROWN ON HOLDING OF OFFICE.—(1) The holding of any office under the Crown, whether within or without His Majesty's dominions, shall not be affected, nor shall any fresh appointment thereto be rendered necessary, by the demise of the Crown.

(2) This Act shall take effect as from the last demise of the Crown.

2.—SHORT TITLE.—This Act may be cited as the Demise of the Crown Act, 1901.

CHAPTER VI.

AN ACT to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and two.

[2nd July 1901.]

Sect. 1.—Issue of £35,443,233 out of the Consolidated Fund for the service of the year ending 31st March 1902.

Sect. 3.—Power to the Treasury to borrow.

CHAPTER VII.

AN ACT to grant certain duties of Customs and Inland Revenue, to alter other duties and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provision for the financial arrangements of the year.

[26th July 1901.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—CUSTOMS AND EXCISE.

1.—DUTY ON TEA.—The duty of customs now payable on tea shall continue to be charged, levied, and paid until the first day of August nineteen hundred and two, on the importation thereof into Great Britain or Ireland; that is to say—

Tea, the pound, sixpence.

2.—SUGAR DUTY.—(1) There shall, as from the nineteenth day of April nineteen hundred and one, be charged, levied, and paid on the following articles imported into Great Britain or Ireland, the following duties—

	£	s.	d.
Sugar which, when tested by the polariscope, indicates a polarisation exceeding ninety-eight degrees . . . . . the cwt.	0	4	2
Sugar of a polarisation not exceeding seventy-six degrees . the cwt.	0	2	0
Sugar of a polarisation not exceeding ninety-eight degrees, but exceeding seventy-six degrees . . . . . the cwt.	The intermediate duties shown in the table in the First Schedule to this Act.		
Molasses (except when cleared for use by a licensed distiller in the manufacture of spirits), and invert sugar and all other sugar and extracts from sugar which cannot be completely tested by the polariscope and on which duty is not specially charged by this section—			
If containing 70 per cent. or more of sweetening matter the cwt.	0	2	9
If containing less than 70 per cent. and more than 50 per cent. of sweetening matter . . . . the cwt.	0	2	0
If containing not more than 50 per cent. of sweetening matter . . . . . the cwt.	0	1	0

The amount of sweetening matter to be taken to be the total amount of cane, invert, and other sugar contained in the article as determined by analysis in manner directed by the Commissioners of Customs.

		£	s.	d.
Glucose:				
Solid	the cwt.	0	2	9
Liquid	the cwt.	0	2	0
Saccharin (including substances of a like nature or use)	the oz.	0	1	3

and there shall, as from the first day of June nineteen hundred and one, be allowed in respect of those articles, the drawbacks set out in the Second Schedule to this Act.

Provided that, as from the nineteenth day of April up to the eleventh day of June nineteen hundred and one, the duties under the headings molasses and glucose shall be deemed to have been chargeable at the rates specified in the resolution of the Committee of Ways and Means of the eighteenth day of April nineteen hundred and one; but where it is proved to the satisfaction of the Commissioners of Customs that the duty paid on any molasses imported during that period exceeds that which would have been paid after the said eleventh day of June, and that the excess has not been recovered from any person to whom the molasses may have been delivered after importation, the Commissioners of Customs may remit the excess.

(2) The words "(except in sugar)" in the schedule to the Customs Tariff Act, 1876 (39 & 40 Vict. c. 35), are hereby repealed, but tinned and bottled apricots in syrup or water, and apricot pulp, shall not be liable to duty as preserved plums.

3.—Export Duty on Coal.—(1) There shall, as from the nineteenth day of April nineteen hundred and one, be charged, levied, and paid on coal exported from Great Britain or Ireland a duty of one shilling per ton, but a rebate of the duty shall be allowed on any coal the value of which free on board is proved to the satisfaction of the Commissioners of Customs not to exceed six shillings per ton.

(2) The Treasury may, if they think fit, in any case remit the duty on any coal exported before the first day of January nineteen hundred and two, in pursuance of a contract made before the nineteenth day of April nineteen hundred and one.

(3) Coal may be shipped on any ship, duty free, in like manner as, and subject to terms and conditions similar to those on which, stores are allowed to be shipped under the Customs Acts.

(4) The provisions set out in the Fourth Schedule to this Act, and the modifications of the Customs Acts set out in the same schedule, shall have effect with respect to the exportation of coal and the duty thereon.

(5) For the purposes of this Act "coal" includes culm, coke, and cinders.

(6) In any case where the person paying the duty shall be the tenant of the mines from which the coal shall have been produced, subject to the payment of a rent or royalty, varying with the selling price of such coal, and the coal shall have been sold at a price inclusive of the duty, then the amount of such duty so paid shall in the absence of any agreement to the contrary be deducted in ascertaining the amount of such selling price for the purpose of determining the amount of the said rent or royalty.

4.—Continuance of Additional Customs Duties and Drawbacks on Tobacco, Beer, and Spirits.—The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (63 & 64 Vict. c. 7) (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of August nineteen hundred and two, and as regards the period for which any additional drawbacks are allowed under those sections nineteen hundred and two shall be substituted for nineteen hundred and one.

5.—Excise Duty on Glucose, &c.—(1) There shall, as from the eleventh day of June nineteen hundred and one as regards the duty on glucose, and as regards the other duties under this section as from the first day of July nineteen hundred and one, be charged, levied, and paid the following duties of excise—

		£	s.	d.
On glucose made in Great Britain or Ireland,—				
Solid	the cwt.	0	2	9
Liquid	the cwt.	0	2	0

and so in proportion for any less quantity.

On saccharin (including substances of a like nature or use) made in Great Britain or Ireland . . . . . the oz. 0 1 3

and so in proportion for any less quantity.

On a licence to be taken out annually by a manufacturer of any such glucose, or saccharin, or of invert sugar 1 0 0

and there shall be allowed in respect of glucose and saccharin the drawbacks set out in the Third Schedule to this Act.

(2) The duty on glucose may be charged either on the quantity actually manufactured or by reference to the quantity ascertained by the Commissioners of Inland Revenue to be capable of being produced from the saccharine solution collected in a receiver to be provided by the maker and fixed and secured to the satisfaction of the Commissioners.

6.—Continuance of Additional Excise Duties and Drawbacks on Beer and Spirits.—The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900 (63 & 64 Vict. c. 7), shall continue to be charged, levied, and paid until the first day of August nineteen hundred and two, and as regards the period in respect of which any additional drawback is allowed under the said section six, nineteen hundred and two shall be substituted for nineteen hundred and one.

7.—Provisions as to Duty on Manufactured Articles and Time of Importation of Goods.—(1) Where any manufactured or prepared goods contain, as a part or ingredient thereof, any article liable to any duty of customs, duty shall be charged in respect of such quantity of the article as shall appear to the satisfaction of the Treasury to be used in the manufacture or preparation of the goods, and in the case of goods so containing more than one such article, shall be charged in a similar manner on each article liable to duty at the rates of duty respectively applicable thereto, unless the Treasury shall be of opinion that it is necessary for the protection of the revenue that duty should be charged in accordance with the Customs Tariff Act, 1876 (39 & 40 Vict. c. 35).

Any rebate which can be allowed by law on any article when separately charged, shall be allowed in charging goods under this section in respect of the quantity of that article used in the manufacture or preparation of the goods.

(2) As respects the first levying or repealing of any duty of Customs (including any duty imposed by this Act), the time at which the importation of any goods shall be deemed to have had effect shall be the time at which the entry of the goods under the Customs Act is delivered instead of the time mentioned in section forty of the Customs Consolidation Act, 1876.

8.—Regulations as to Saccharin, &c.—The Commissioners of Customs and the Commissioners of Inland Revenue may jointly make regulations as to the delivery of molasses to, and the use of molasses by, a licensed distiller without payment of duty or upon drawback as allowed by this Act, and also as to the importation, labelling, wrapping, and sale of any saccharin (including substances of a like nature or use) and as to the proof to be required that a label has not been previously used, and may by those regulations apply any of the enactments relating to stamps to the labels to be used, and if any person imports or makes any such saccharin, or delivers or uses molasses without complying with those regulations, or sells, exposes for sale, or offers, or keeps for sale any such saccharin in respect of which those regulations have not been complied with, the saccharin or molasses, as the case may be, shall be forfeited, and that person shall be liable, in respect of each offence, to an excise penalty of fifty pounds.

9.—Regulations as to Excise Duty on Glucose, &c.—The Commissioners of Inland Revenue may make regulations prohibiting the manufacture of glucose,

saccharin, or invert sugar, except by persons holding a licence and having made entry for the purpose, and for fixing the date of expiration of the licence, and also for regulating the manufacture of glucose with a view to securing and collecting the excise duty imposed by this Act, and may by those regulations apply any enactments relating to the excise duty or drawback on beer, and to brewers of beer, to the excise duty and drawback on glucose, and to manufacturers of glucose, and if any person acts in contravention of, or fails to comply with, any of those regulations, the article in respect of which the offence is committed shall be forfeited, and the person committing the offence shall be liable in respect of each offence to an excise penalty of fifty pounds.

10.—Addition or Deduction of New or Altered Duties in the Case of Contract.—(1) Where any new customs import duty or new excise duty is imposed, or where any customs import duty or excise duty is increased, and any goods in respect of which the duty is payable are delivered after the day on which the new or increased duty takes effect in pursuance of a contract made before that day, the seller of the goods may, in the absence of agreement to the contrary, recover, as an addition to the contract price, a sum equal to any amount paid by him in respect of the goods on account of the new duty or the increase of duty, as the case may be.

(2) Where any customs import duty or excise duty is repealed or decreased, and any goods affected by the duty are delivered after the day on which the duty ceases, or the decrease in the duty takes effect in pursuance of a contract made before that day, the purchaser of the goods, in the absence of agreement to the contrary, may, if the seller of the goods has had in respect of those goods the benefit of the repeal or decrease of the duty, deduct from the contract price a sum equal to the amount of the duty or decrease of duty, as the case may be.

(3) Where any addition to or deduction from the contract price may be made under this section on account of any new or repealed duty, such sum as may be agreed upon or in default of agreement determined by the Commissioners of Customs in the case of a customs duty, and by the Commissioners of Inland Revenue in the case of an excise duty, as representing in the case of a new duty any new expenses incurred, and in the case of a repealed duty any expenses saved, may be included in the addition to or deduction from the contract price, and may be recovered or deducted accordingly.

(4) This section shall be deemed to have had effect as from the nineteenth day of April nineteen hundred and one, and section twenty of the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), and section eight of the Finance Act, 1900 (63 & 64 Vict. c. 7), are hereby repealed.

Part II.—Stamps.

11.—Provision as to Continuation Clauses in Policies of Sea Insurance.—(1) Notwithstanding anything contained in the Stamp Act, 1891 (54 & 55 Vict. c. 39), a policy of sea insurance made for time may contain a continuation clause as defined in this section, and such a policy shall not be invalid on the ground only that by reason of the continuation clause it may become available for a period exceeding twelve months.

(2) There shall be charged on a policy of sea insurance containing such a continuation clause a stamp duty of sixpence in addition to the stamp duty which is otherwise chargeable on the policy.

(3) If the risk covered by the continuation clause attaches and a new policy is not issued covering the risk, the continuation clause shall be deemed to be a new and separate contract of sea insurance expressed in the policy in which it is contained, but not covered by the stamp thereon, and the policy shall be stamped in respect of that contract accordingly, but may be so stamped without penalty at any time not exceeding thirty days after the risk has so attached.

(4) For the purposes of this section, the expression "continuation clause" means an agreement to the following or the like effect, namely, that in the event of the ship

being at sea or the voyage otherwise not completed on the expiration of the policy, the subject-matter of the insurance shall be held covered until the arrival of the ship, or for a reasonable time thereafter not exceeding thirty days.

Part III.—Income Tax and Inhabited House Duty.

12.—Income Tax for 1901-1902.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and one shall be charged at the rate of one shilling and twopence.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and one shall have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property, which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853 (16 & 17 Vict. c. 34), or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and one, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection—

(*a*) So far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) Shall not apply to the metropolis as defined by the Valuation (Metropolis) Act, 1869 (32 & 33 Vict. c. 67).

(4) Section thirty-eight of the Finance Act, 1894 (57 & 58 Vict. c. 30), (which relates to duty on dividends, &c. paid prior to the passing of the Act), shall be applied with respect to the year which commenced on the sixth day of April nineteen hundred and one, as it was applied with respect to the year which commenced on the sixth day of April one thousand eight hundred and ninety-four.

13.—Inhabited House Duty on Lodging-Houses.—Subsection one of section twenty-six of the Customs and Inland Revenue Act, 1890 (Amendment of 53 & 54 Vict. c. 8, s. 26), (which relates to the reduction of inhabited house duty in the case of lodging-houses), shall be read with the substitution of the first day of October for the first day of July as the day before which registration is to be effected, and of the first day of November for the first day of October as the day before which application must be made for the reduction of the rate of charge.

Part IV.—National Debt.

14.—Continuance of Suspension of New Sinking Fund and Payments on Account of Terminable Annuities.—Sections sixteen and seventeen of the Finance Act, 1900 (63 & 64 Vict. c. 7), (which relate to the suspension of the new sinking fund and to the suspension of payments on account of the capital of certain terminable annuities), shall apply with respect to the financial year ending on the thirty-first day of March nineteen hundred and two in the same manner as they apply with respect to the financial year ending the thirty-first day of March nineteen hundred and one.

Part V.—General.

15.—Short Title and Construction.—(1) This Act may be cited as the Finance Act, 1901 (39 & 40 Vict. c. 36).

(2) Part I. of this Act, so far as it relates to duties of customs, shall be construed together with the Customs Consolidation Act, 1876, and the Acts amending that Act (in this Act referred to as the Customs Acts), and so far as it relates to duties of

excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

SCHEDULES.

FIRST SCHEDULE—(Section 2).

TABLE SHOWING INTERMEDIATE DUTIES ON SUGAR.

Degrees of Polarisation.	Percentage of the Maximum Duty of 4s. 2d.	Duty per Cwt.
		s. d.
Exceeding 76 and not exceeding 77	49·6	2 0·8
,, 77 ,, 78	51·2	2 1·6
,, 78 ,, 79	52·8	2 2·4
,, 79 ,, 80	54·4	2 3·2
,, 80 ,, 81	56	2 4
,, 81 ,, 82	57·6	2 4·8
,, 82 ,, 83	59·2	2 5·6
,, 83 ,, 84	61	2 6·5
,, 84 ,, 85	62·8	2 7·4
,, 85 ,, 86	64·6	2 8·3
,, 86 ,, 87	66·4	2 9·2
,, 87 ,, 88	68·4	2 10·2
,, 88 ,, 89	70·4	2 11·2
,, 89 ,, 90	72·8	3 0·4
,, 90 ,, 91	75·2	3 1·6
,, 91 ,, 92	77·6	3 2·8
,, 92 ,, 93	80	3 4
,, 93 ,, 94	82·4	3 5·2
,, 94 ,, 95	84·8	3 6·4
,, 95 ,, 96	87·2	3 7·6
,, 96 ,, 97	89·6	3 8·8
,, 97 ,, 98	92	3 10

SECOND SCHEDULE—(Section 2).

(1) *Drawbacks to be allowed on Articles exported or deposited in any bonded Warehouse for Use as Ships' Stores or removed to the Isle of Man, if it is shown to the satisfaction of the Commissioners of Customs that the Duties on Importation have been duly paid.*

On sugar which has passed a refinery in Great Britain or Ireland a drawback equal to the duty on sugar of the like polarisation.

On goods (other than beer) in the manufacture or preparation of which in Great Britain or Ireland any of the articles liable to duty has been used, a drawback equal to the duty in respect of the quantity of that article which appears to the satisfaction of the Treasury to have been used in the manufacture or preparation of the goods or, in the case of residual products, to be contained therein, and in allowing that drawback the Commissioners of Customs may, with the assent of the Treasury, in order to facilitate trade, relax in the case of any goods any requirements of sections one hundred and four and one hundred and six of the Customs Consolidation Act, 1876, as to the giving of security and the examination of goods.

(2) *Drawback to be allowed to a Refiner on Mollasses produced in Great Britain or Ireland and delivered by him to a Licensed Distiller for use in the Manufacture of Spirits.*

A drawback at the rate of one shilling the hundredweight.

THIRD SCHEDULE—(Section 5).

Drawbacks to be allowed on Articles exported from Great Britain or Ireland as Merchandise or shipped for use as Ships' Stores if it is shown to the satisfaction of the Commissioners of Inland Revenue that the Excise duty has been duly paid.

On glucose and saccharin liable to duty, a drawback equal to the duty imposed.

On goods (other than beer) in the manufacture or preparation of which in Great Britain or Ireland any glucose or saccharin liable to duty has been used, a drawback equal to the duty in respect of the quantity of glucose or saccharin which appears to the satisfaction of the Treasury to have been used in the manufacture or preparation.

FOURTH SCHEDULE—(Section 3).

Provisions as to Exportation of Coal.

1. Coal shall not be shipped for exportation from Britain or Ireland or carriage coastwise unless entry and clearance thereof have been made before shipment in such manner as the Commissioners of Customs direct.

2. The Commissioners of Customs may, if they think fit, require security (similar to that which they may require under section one hundred and four of the Customs Consolidation Act, 1876), for the due carriage coastwise of coal.

3. If any person ships or attempts to ship coal without complying with or in contravention of the foregoing provisions in this schedule, or if the master of a ship commits an offence under section one hundred and forty-two of the Customs Consolidation Act, 1876 (which relates to deviations from coasting voyages), he shall be liable to the same penalty to which a person is liable under section one hundred and eighty-six of the Customs Consolidation Act, 1876, for illegally importing goods the importation of which is prohibited.

4. The exporter or shipper of any coal, or his agent shall, on being required by the Commissioners of Customs, produce all bills of lading, weight notes, or other documents relating to the coal, and if he fails to do so, shall be liable to a penalty not exceeding twenty pounds.

5. The Treasury may, if they think fit, restrict or limit the exportation from the Isle of Man of any coal in the same manner as they may restrict the importation into the Isle of Man of any foreign goods under section two hundred and eighty-three of the Customs Consolidation Act, 1876.

6. In the event of the coal duty being paid by a colliery proprietor upon coal sold by him free on board to a purchaser in pursuance of a contract made before the nineteenth day of April nineteen hundred and one, the seller may, in the absence of agreement to the contrary, recover as an addition to the contract price of the coal a sum equal to the amount of duty so paid, unless the purchaser shows that the coal has been applied for the purpose of fulfilling a contract made by him before the nineteenth day of April nineteen hundred and one for the sale of the coal at the specified price.

Modifications of Customs Acts as to Exportation of Coal.

1. Section thirty of the Customs Consolidation Act, 1876 (which relates to the deposit of duty in case of dispute), shall apply with respect to the duty on coal with the substitution of "coal" for "goods admissible for home consumption," of "exporter" for "importer," and of "exportation" for "importation."

2. Sections sixteen, one hundred, and one hundred and two of the Customs Consolidation Act, 1876 (which relate to the shipping and water-carriage of goods), shall apply to coals in the same manner as they apply to drawback goods.

3. The security to be given under section one hundred and four of the Customs Consolidation Act, 1876, on the exportation of coal shall be such as to secure, in

addition to the matters mentioned in that section, the correctness of the entry of the coal for export and the amount of the duty payable.

4. Section one hundred and forty-eight of the Customs Consolidation Act, 1876 (which relates to the entering outwards without landing of goods carried coastwise), shall apply in the case of coal, notwithstanding that coal is liable to duty.

CHAPTER VIII.

An Act to amend the Isolation Hospitals Act, 1893. [26th July 1901.]

CHAPTER IX.

An Act to regulate the Employment and Attendance of Children at School in Scotland. [9th August 1901.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Parents to Provide Efficient Elementary Education for their Children.—It shall be the duty of every parent to provide efficient elementary education in reading, writing, and arithmetic for his children who are between five and fourteen years of age.

2.—School Attendance.—It shall not be lawful for any person to take into his employment any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not obtained exemption from the obligation to attend school from the school board of the district in the manner provided in the next following section; nor shall any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not been exempted from the obligation to attend school in manner aforesaid, be employed in any casual employment as defined by section six of the Education (Scotland) Act, 1878 (41 & 42 Vict. c. 78), after nine o'clock at night, from the first day of April to the first day of October, and after seven o'clock at night from the first day of October to the first day of April.

Provided that nothing in this section shall prevent any employer from employing any child who is lawfully employed by him or by any other person at the date of the commencement of this Act.

3.—Power to Grant Partial Exemption from School Attendance on Conditions.—It shall be lawful for any school board, where after due inquiry in each case the circumstances seem to justify such exemption, to grant exemption from the obligation to attend school to individual children over twelve years of age, for such time and upon such conditions, if any, as to the amount and manner of further attendance at school until the age of fourteen, as the school board shall think fit; and such exemption shall exempt the parent of such child from any prosecution or other proceeding under the Education Acts for neglecting to provide for the education of such child.

Provided that any school board granting such exemption to individual children shall keep a register wherein shall be entered the names of children so exempted, and a statement of the circumstances in which and the conditions upon which such exemption has in each case been granted.

Provided also that the Department shall have power, when it sees fit, to call upon any school board for a return of the children to whom such exemption has been granted, and of the circumstances in which and the conditions upon which such exemption has in each case been granted; and if, after due inquiry, the Department is satisfied that such exemption has been granted by any school board in circumstances which did not justify its being so granted, or that the conditions on which such exemption

has been granted are insufficient, or that the attendance of scholars within the district of such school board, or any part thereof, is unsatisfactory, the Department may call upon such school board to recall such exemption, or to take steps to improve the attendance; and if the said school board fail to do so within a reasonable time, it shall be lawful for the Department to withhold or reduce the parliamentary grant made to the said school board under section sixty-seven of the Education (Scotland) Act, 1872 (35 & 36 Vict. c. 62).

4.—Repeal.—The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column thereof.

5.—Commencement of Act.—This Act shall commence on the first day of January one thousand nine hundred and two.

6.—Extent of Act.—This Act shall extend to Scotland only.

7.—Short Title and Construction.—This Act may be cited as the Education (Scotland) Act, 1901; and this Act and the Education (Scotland) Acts, 1872 to 1883, shall be construed as one Act.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 62	Education (Scotland) Act, 1872.	Section sixty-nine. Section seventy-three.
41 & 42 Vict. c. 78	Education (Scotland) Act, 1878.	Section five. Section six. In part, namely,— From the words "and no child" to "to the first day of April" where those words last occur, and from "A school board may," to the end. Section seven. In part, namely,— The word "hereinbefore."
46 & 47 Vict. c. 56	Education (Scotland) Act, 1883.	Section four. Section six. Section seven. Section eight.

CHAPTER X.

An Act to amend the Larceny Act, 1861. [9th August 1901.]

CHAPTER XI.

An Act for enabling local authorities to empower School Boards temporarily to carry on certain schools; and for sanctioning certain School Board expenses. [9th August 1901.]

CHAPTER XII.

An Act to provide for raising Money for the service of the year ending the thirty-first day of March nineteen hundred and two. [17th August 1901.]

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of the United

Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies granted to Your Majesty, have resolved that sums not exceeding sixty million pounds be raised in manner provided by this Act; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Borrowing for Purpose of Supply for Year 1901–2.—(1) Any money required for raising the supply granted to His Majesty for the service of the year ending on the thirty-first day of March nineteen hundred and two may be raised up to an amount not exceeding sixty million pounds, by means of the creation of two and three-quarter per cent. consolidated stock within the meaning of the National Debt (Conversion) Act, 1888 (51 & 52 Vict. c. 2), and the Treasury may, by warrant addressed to the Bank of England, direct the creation of such amounts of that stock as may be required for the purpose.

(2) A full quarterly dividend shall be payable on any stock issued under this Act as from the sixth day of April nineteen hundred and one.

(3) Stock created for the purposes of this Act shall be consolidated with like stock previously created under the National Debt (Conversion) Act, 1888, and may be issued at such times, in such amounts, and subject to such conditions as to payment of deposits and instalments and the issue of scrip certificates carrying dividend and otherwise, as the Treasury direct, and any directions given by the Treasury before the passing of this Act with respect to those matters are hereby confirmed.

(4) Any sums required for defraying any expenses incurred in connexion with raising any money raised under this Act shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof.

(5) Any sums raised by means of the issue of stock under this Act shall be paid into the Exchequer.

2.—Short Title.—This Act may be cited as the Loan Act, 1901.

CHAPTER XIII.

An Act to continue the Agricultural Rates Act, 1896, the Tithe Rentcharge (Rates) Act, 1899, the Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896, and the Local Taxation Account (Scotland) Act, 1898. [17th August 1901.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Continuance of 59 & 60 Vict. c. 16; 62 & 63 Vict. c. 17.—(1) The period of the continuance of the Agricultural Rates Act, 1896, is hereby extended until the thirty-first day of March one thousand nine hundred and six, both for the purposes of that Act and for the purposes of the Tithe Rentcharge (Rates) Act, 1899.

(2) The words "that is to say, the period of five years after the thirty-first day of March next after the passing of this Act" in section one of the Agricultural Rates Act, 1896, are hereby repealed.

2.—Continuance of 59 & 60 Vict. c. 37; 61 & 62 Vict. c. 56.—The period of the continuance of the Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896, is hereby extended until the thirty-first day of March one thousand nine hundred and six, both for the purposes of that Act and for the purposes of the Local Taxation Account (Scotland) Act, 1898.

3.—Short Title.—This Act may be cited as the Agricultural Rates Act, 1896, &c., Continuance Act, 1901.

CHAPTER XIV.

AN ACT to amend the Law relating to the Militia and Yeomanry. [17th August 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—APPLICATION OF MILITIA ACTS TO YEOMANRY.—The enactments relating to the general militia shall apply to all members of the yeomanry receiving commissions or enlisted after the passing of this Act as if references therein to the militia and members thereof were references to the yeomanry and members thereof, subject to the following modifications, namely:—

(*a*) The provisions with respect to preliminary training shall not apply;

(*b*) For the period of annual training specified in section sixteen of the Militia Act, 1882 (45 & 46 Vict. c. 49), shall be substituted a period of not less than fourteen nor more than eighteen days in every year, and for the period of fourteen days referred to in sections twenty-seven and twenty-eight of the same Act shall be substituted a period of ten days.

2.—ANNUAL TRAINING OF MILITIA ARTILLERY.—The period of annual training for militiamen enlisted after the passing of this Act, and for the time being serving in the mobile militia artillery, shall be such period, not exceeding eighty-four days, as may be prescribed under the Militia Act, 1882.

3.—SHORT TITLE.—This Act may be cited as the Militia and Yeomanry Act, 1901.

CHAPTER XV.

AN ACT to enable His most gracious Majesty to make an Addition to the Royal Style and Titles in recognition of His Majesty's dominions beyond the seas. [17th August 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—POWER TO MAKE ADDITION TO STYLE AND TITLE OF CROWN.—It shall be lawful for His most gracious Majesty, with a view to the recognition of His Majesty's dominions beyond the seas, by His Royal Proclamation under the great seal of the United Kingdom issued within six months after the passing of this Act, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies as to His Majesty may seem fit.

2.—SHORT TITLE.—This Act may be cited as the Royal Titles Act, 1901.

CHAPTER XVI.

AN ACT for the acquisition of certain land, near the National Gallery in London, and for purposes connected therewith. [17th August 1901.]

CHAPTER XVII.

AN ACT to amend the Law relating to Lunatics in Ireland. [17th August 1901.

CHAPTER XVIII.

An Act to amend the Law with reference to International Arrangements for Patents.
[17th August 1901.]

E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—International Arrangements.—(1) In the first proviso to subsection one of section one hundred and three of the Patents, Designs, and Trade Marks Act, 1883 (46 & 47 Vict. c. 57) (which section relates to the time for making applications for protection under international arrangements), the words "twelve months" shall be substituted for the words "seven months."

(2) An application under that section shall be accompanied by a complete specification, which, if it be not accepted within the period of twelve months, shall, with the drawings (if any), be open to public inspection at the expiration of that period.

2.—Short Title, Construction, and Commencement.—(1) This Act may be cited as the Patents Act, 1901, and may be cited and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and two.

CHAPTER XIX.

An Act to amend the Acts relating to Public Libraries, Museums, and Gymnasiums, and to regulate the Liability of Managers of Libraries to Proceedings for Libel.
[17th August 1901.]

Sect. 11.—This Act shall not apply to Scotland.

CHAPTER XX.

An Act to amend the Law relating to Youthful Offenders and for other purposes connected therewith.
[17th August 1901.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Removal of Disqualifications Attaching to Felony.—Where a child or young person having been convicted of felony is discharged in accordance with section sixteen of the Summary Jurisdiction Act, 1879 (50 & 51 Vict. c. 25), or the Probation of First Offenders Act, 1887 (42 & 43 Vict. c. 49), or otherwise, or is punished with whipping only, the conviction shall not be regarded as a conviction of felony for the purposes of section fifteen of the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118), or of any disqualification attaching to felony.

2.—Liability of Parent or Guardian in case of Offence Committed by Child or Young Person.—(1) Where a child or young person is charged with any offence for the commission of which a fine, damages, or costs may be imposed upon him by a court of summary jurisdiction, and there is reason to believe that his parent or guardian has conduced to the commission of the alleged offence by wilful default or by habitually neglecting to exercise due care of him, the court may, on information, issue a summons against the parent or guardian of the child or young person charging him with so contributing to the commission of the offence.

(2) A summons to the child or young person may include a summons to the parent or guardian.

(3) The charge against the child or young person and the charge against the parent or guardian may be heard together, and for that purpose the proceedings against the child or young person may be adjourned.

(4) When, after hearing the case, any fine, damages, or costs are imposed upon the child or young person, and the court is satisfied that his parent or guardian has conduced to the commission of the offence by wilful default or by habitually neglecting to exercise due care of him, the court may order that the fine, damages, or costs shall be paid by the parent or guardian instead of by the child or young person, and may also order the parent or guardian to give security for the good behaviour of the child or young person.

(5) Any sums so imposed and ordered to be paid may be recovered from the parent or guardian by distress or imprisonment in manner provided by section twenty-one of the Summary Jurisdiction Act, 1879.

(6) A parent or guardian may appeal against an order made under this section to a court of quarter sessions.

(7) Where a parent or guardian is ordered by the court to pay fine, damages, or costs, or to give security for the good behaviour of the child or young person, no further charge under this Act shall be brought against the parent or guardian in respect of any wilful default or habitual neglect to exercise due care of such child or young person prior to the making of such order, without prejudice to the liability of the parent or guardian for any subsequent wilful default or habitual neglect in respect of the same child or young person.

3.—Limitation of Costs.—Where a child or young person is ordered by a court of summary jurisdiction to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine, and, except so far as the court may think fit to expressly order otherwise, all fees payable or paid by the informant in excess of the amount of costs so ordered to be paid shall be remitted or repaid to him, and the court may also order the fine or any part thereof to be paid to the informant in or towards the payment of his costs.

4.—Remand or Committal to Place other than Prison.—(1) A court of summary jurisdiction, on remanding or committing for trial any child or young person, may, instead of committing him to prison, remand or commit him into the custody of any fit person named in the commitment who is willing to receive him (due regard being had, where practicable, to the religious persuasion of the child), to be detained in that custody for the period for which he has been remanded, or until he is thence delivered by due course of law, and the person so named shall detain the child or young person accordingly, and if the child or young person escapes he may be apprehended without warrant and brought back to the custody in which he was placed.

(2) The court may also exercise the like powers pending any inquiry concerning a child under section nineteen of the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118).

(3) The court may vary or revoke the remand or commitment, and if it is revoked the child or young person may be committed to prison.

(4) The council of any county or borough or a school board may defray the whole or any part of the expenses of the maintenance of children and young persons in custody under this section.

(5) Where a court makes an order under this section the court may make an order on the parent or other person legally liable to maintain the child or young person, requiring that parent or person to pay, as a contribution towards the cost of maintaining the child or young person, such sum, not exceeding five shillings a week, as the court may think fit, during the whole or any part of the time of his custody. The payment shall be made to the inspector of reformatory and industrial schools, or to a constable or other person authorised by the inspector to receive the payment, and the money paid shall be applied under the direction of the Treasury towards the expenses incurred under this section.

(6) There shall be paid, out of moneys provided by Parliament, towards the cost of maintaining any child or young person when in custody under this section, such contribution as may be fixed by regulations made by the Secretary of State with the approval of the Treasury.

(7) Where a child or young person is placed in the custody of a fit person under this section, payments shall be made from the police fund of the place to which the child or young person is sent for his maintenance, in accordance with the regulations made by the Secretary of State, but the police fund shall be repaid through the inspector of reformatory and industrial schools out of the contribution so fixed.

5.—Extension of Power to Commit to Industrial School.—A court of assize or quarter sessions may exercise the like power of committing a child to an industrial school as may be exercised by two justices or a magistrate under section fifteen of the Industrial Schools Act, 1866, and the provisions of that Act shall be construed accordingly.

6.—Recovery of Expenses of Maintenance from Parent or Person Legally Liable.—(1) Where a court of summary jurisdiction makes an order that a child or young person be sent to a certified reformatory or industrial school, the court may make at the same time such order for a contribution to his support and maintenance on his parent, or other person legally liable to maintain him, as may be made by justices or a magistrate under sections twenty-five and twenty-six of the Reformatory Schools Act, 1866 (29 & 30 Vict. c. 117), or under section forty of the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118), or under any local Act relating to reformatory or industrial schools, and thereupon, subject to the provisions of this Act, those enactments shall apply as if the order had been made on a complaint thereunder.

(2) An order made on complaint under any of those enactments may be enforced as an order of affiliation.

(3) A certificate purporting to be under the hand of the inspector or an assistant inspector of reformatory and industrial schools, or in the case of a day industrial school of the superintendent of such school or an officer of the managers, or of the superintendent of the school in the case of any school established under a local Act, stating that any sum due from a parent or other person for the maintenance of a child or young person is overdue and unpaid shall be evidence of the facts stated therein.

(4) Where a parent or other person has been ordered under this section or under any of the enactments mentioned therein to contribute to the support and maintenance of a child or young person, he shall give notice of any change of address to the inspector of reformatory and industrial schools or his agent, or in the case of any such school established under a local Act to the superintendent of the school, or in the case of a day industrial school to the superintendent of such school or an officer of the managers, and if he fails to do so, without reasonable excuse, he shall be liable on summary conviction to a fine not exceeding two pounds.

7.—Appeals against Orders for Maintenance.—(1) Where an order is made under this Act on a parent or other person liable to maintain a child or young person, the order shall be served in the prescribed manner on the person on whom it is made, and shall be binding on him unless he makes an application against it within the prescribed time to the court on the ground either that he is not legally liable to maintain the child or young person, or that he is unable to contribute the sum specified in the order.

(2) The court may confirm the order with or without modifications, or may rescind it.

(3) Any such order may be enforced as an order of affiliation.

8.—Contributions by County Councils.—A county council which has contributed to the support of a child or young person in a reformatory or industrial school may contribute to the ultimate disposal of the child or young person.

9.—Contracts with School Managers for Weekly Payments.—Where a local authority acting in pursuance of the Acts relating to reformatory or industrial schools or the Elementary Education Acts, 1870 to 1900, agree to contribute a weekly payment towards the maintenance of any child in any reformatory or industrial school, the requirements of the first proviso to section twelve of the Industrial Schools Act, 1866, and section twenty-eight of the Reformatory Schools Act, 1866 (36 & 37 Vict. c. 86), and of section fourteen of the Elementary Education Act, 1873 (relating to previous notice of intention to contribute), shall not apply to such contribution.

10.—Rules.—The power to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49), shall extend to making rules for regulating the procedure under this Act, and for prescribing anything which may under this Act be prescribed.

11.—Definitions.—In this Act the expressions "child," "young person," and "guardian" have respectively the same meanings as in the Summary Jurisdiction Act, 1879, except that the expression "guardian" includes the guardian of a young person as well as the guardian of a child.

12.—Power of Court in Scotland to Discharge Youthful Offender without Punishment.—In Scotland, if upon the hearing of a charge against a child or young person for an offence punishable on summary conviction under any Act, whether past or future, the court think that though the charge is proved the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment or any other than a nominal punishment, the court, without proceeding to conviction, may dismiss the charge, and if the court think fit may order the person charged to pay such damages not exceeding forty shillings, and such costs, or either of them, as the court think reasonable.

13.—Register of Convictions of Youthful Offenders in Scotland.—(1) In Scotland, in addition to any other register required by law, a separate register of convicted youthful offenders shall be kept for every summary court by the chief constable or other person charged with the duty of keeping registers of convictions.

(2) This register shall apply to offenders of such age, and shall include such particulars, as may be directed by the Secretary for Scotland.

(3) It shall be the duty of the keeper of the register, within three days after each conviction of an offender under fourteen years of age recorded therein, to transmit a copy of the entry relating to the offender to the clerk of the school board for the burgh or parish in which the offender resides.

14.—Extension of 47 & 48 Vict. c. 19, s. 5.—Section five of the Summary Jurisdiction Over Children (Ireland) Act, 1884 (which gives power to deal summarily with young persons by consent), shall extend to all indictable offences other than homicide, and accordingly in that section for the words "specified in the schedule to this Act" shall be substituted the words "other than homicide."

15.—Application to Ireland of 56 & 57 Vict. c. 48, and 57 & 58 Vict. c. 33.—(1) In the application to Ireland of the Reformatory Schools Act, 1893, for section four of that Act the following provision shall be substituted:—

"Section twelve of the Irish Reformatory Schools Act, 1868 (31 & 32 Vict. c. 59), from the beginning of the section to the words 'and provided also that' is hereby repealed, and the said section shall be construed and have effect as if section one of this Act were substituted for the provisions of the said section hereby repealed."

(2) The Industrial Schools Acts Amendment Act, 1894, shall extend to Ireland with the following modifications:—

(*a*) The Industrial Schools Act (Ireland), 1868, shall be substituted for the Industrial Schools Act, 1866 (31 & 32 Vict. c. 25), and in particular sections twenty-one and twenty-seven of the former Act shall be substituted for sections twenty-seven and thirty-four respectively of the latter Act;

(*b*) The Chief Secretary shall be substituted for the Secretary of State;

(*c*) The passing of this Act shall be substituted for the passing of the said Act of 1894.

16.—Application to Scotland.—This Act, except the provision thereof relating exclusively to Ireland, shall extend to Scotland with the modifications following, namely:—

(*a*) The Secretary for Scotland shall be substituted for the Secretary of State;

(*b*) The High Court of Justiciary shall be substituted for the court of assize;

(*c*) The county council or the town council of a burgh (including a police burgh) shall be substituted for the council of a county or borough;

(*d*) Section thirty-three of the Summary Procedure (Scotland) Act, 1864 (27 & 28 Vict. c. 53), shall be substituted for section twenty-nine of the Summary Jurisdiction Act, 1879;

(*e*) Theft shall be substituted for felony;

(*f*) A decree for aliment shall be substituted for an order of affiliation;

(*g*) The provision as to an appeal by a parent or guardian to quarter sessions shall not apply. But where a child or young person is charged before a court of summary jurisdiction other than a sheriff or stipendiary magistrate, and it appears to such court that proceedings under this Act should be taken against the parent or guardian of such child or young person, the court may remit the further proceedings in the case to the sheriff to be dealt with by him under this Act, and a court of summary jurisdiction other than a sheriff or stipendiary magistrate shall have no jurisdiction against the parent or guardian in respect of any offence constituted by this Act;

(*h*) The words "under a warrant of poinding and sale, and in default of recovery of sufficient goods by," shall be substituted for the words "by distress, or" in subsection five of section two of this Act;

(*i*) Section eight of the Summary Jurisdiction (Scotland) Act, 1881 (44 & 45 Vict. c. 33), shall be substituted for section twenty-one of the Summary Jurisdiction Act, 1879.

17.—Application to Ireland.—This Act, except the provisions thereof relating exclusively to Scotland, shall extend to Ireland, with the modifications following, namely:—

(1) Save as herein-after mentioned the Summary Jurisdiction Over Children (Ireland) Act, 1884 (47 & 48 Vict. c. 19), shall be substituted for the Summary Jurisdiction Act, 1879, and in particular section seven of the former Act shall be substituted for section sixteen of the latter Act;

(2) Section twenty-five of the Irish Reformatory Schools Act, 1868, shall be substituted for section twenty-one of the Summary Jurisdiction Act, 1879;

(3) The Industrial Schools Act (Ireland), 1868 (31 & 32 Vict. c. 25), shall be substituted for the Industrial Schools Act, 1866, and in particular sections twelve, thirteen, and thirty of the former Act shall be substituted for sections nineteen, fifteen, and forty respectively of the latter Act;

(4) The Irish Reformatory Schools Act, 1868 (31 & 32 Vict. c. 59), shall be substituted for the Reformatory Schools Act, 1866, and in particular sections twenty-three and twenty-four of the former Act shall be substituted for sections twenty-five and twenty-six respectively of the latter Act;

(5) An order for maintenance under this Act may be enforced in the manner provided by section twenty-five of the Irish Reformatory Schools Act, 1868;

(6) The procedure regulating appeals under the Summary Jurisdiction Acts shall apply in the case of an appeal under section seven of this Act;

(7) The Chief Secretary shall be substituted for the Secretary of State;

(8) The Inspector and Assistant Inspector of Reformatory and Industrial Schools in Ireland shall be substituted for the Inspector and Assistant Inspector of Reformatory and Industrial Schools respectively;

(9) Any reference to a school board or to an order of affiliation shall not apply;

(10) Section nine (relating to contracts with school managers for weekly payments) shall not apply;

(11) Payments required by this Act to be made from the police fund of a place shall be made by the police authorities of the district within which such place is situate, and those authorities shall be repaid in like manner as the said police fund;

(12) For the provisions of this Act giving power to make rules under the Summary Jurisdiction Act, 1879, the following provision shall be substituted:—

"The Lord Chancellor of Ireland may make rules for regulating the procedure under this Act and for prescribing anything which may under this Act be prescribed, and all rules so made shall be laid as soon as may be before both Houses of Parliament."

18.—Short Title and Commencement.—This Act may be cited as the Youthful Offenders Act, 1901, and shall come into operation on the first day of January nineteen hundred and two.

CHAPTER XXI.

AN ACT to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and two, and to appropriate the Supplies granted in this Session of Parliament.

[17th August 1901.]

Sect. 1.—Issue of £86,756,285 out of the Consolidated Fund.
Sect. 2.—Power for the Treasury to borrow.
Sect. 3.—Appropriation of sums voted for supply services.
Sect. 4.—Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.
Sect. 5.—Sanction for navy and army expenditure for 1899-1900 unprovided for.
Sect. 6.—Declaration required in certain cases before receipt of sums appropriated.

FACTORY AND WORKSHOP ACT, 1901.

[1 EDW. 7. CH. 22.]

ARRANGEMENT OF SECTIONS.

PART I.—HEALTH AND SAFETY.

(i.) *Health.*

Section.
1. Sanitary condition of factory.
2. Sanitary condition of workshops and workplaces.
3. Overcrowding of factory or workshop.
4. Power of Secretary of State to act in default of local authority.
5. Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.
6. Temperature in factories and workshops.
7. Ventilation.
8. Drainage of floors.
9. Sanitary conveniences in factories and workshops.

(ii.) *Safety.*

10. Fencing of machinery.
11. Steam boilers.
12. Regulations as to self-acting machines.
13. Restrictions on cleaning when machinery is in motion.
14. Provision of means of escape in case of fire.
15. Byelaws for means of escape from fire.
16. Doors of factory or workshop to open from inside.
17. Power to make order as to dangerous machine.
18. Power to make order as to unhealthy or dangerous factory or workshop.

(iii.) *Accidents.*

19. Notice of accidents causing death or bodily injury.
20. Investigation of and report on accidents by certifying surgeon.
21. Inquest in case of death by accident in factory or workshop.
22. Power to direct formal investigation of accidents.

PART II.—EMPLOYMENT.

(i.) *Hours and Holidays.*

23. Restrictions on period of employment of women, young persons, and children.
24. Hours of employment in textile factories—young persons and women.
25. Hours of employment in textile factories—children.
26. Hours of employment in non-textile factories and workshops—young persons and women.

Section.
27. Hours of employment in non-textile factories and workshops—children.
28. Hours of employment in print works and bleaching and dyeing works.
29. Special provisions as to employment in women's workshops.
30. Special provision as to eight hours' employment of women and young persons.
31. Restriction on employment inside and outside factory or workshop on same day.
32. Notice fixing hours of employment, &c.
33. Meal times to be simultaneous, and employment during meal times forbidden.
34. Prohibition of Sunday employment.
35. Annual holidays and half-holidays.

(ii.) *Special Exceptions as to Hours and Holidays.*

36. Employment between 9 A.M. and 9 P.M. in certain cases.
37. Employment of male young persons above sixteen in lace factories.
38. Employment of male young persons above sixteen in bakehouses.
39. Five hours' spell in certain textile factories.
40. Different meal times for different sets, and employment during meal times.
41. Special exceptions as to fish and fruit preserving.
42. Special exceptions as to creameries.
43. Substitution of another day for Saturday.
44. Saturday employment in Turkey red dyeing.
45. Holidays on different days for different sets.
46. Employment inside and outside on the same day.
47. Hours and holidays in factory or workshop of Jewish occupier.
48. Sunday employment of Jews in factory or workshop of Jewish occupier.

Overtime.

49. Overtime employment of women for press of work.
50. Overtime employment of women on perishable articles.
51. Overtime employment on incomplete process.
52. Overtime employment in factories driven by water.
53. Overtime employment in Turkey red dyeing and open-air bleaching.

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CHAPTER XXII.

AN Act to consolidate with Amendments the Factory and Workshop Acts.

[17th August 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—HEALTH AND SAFETY.

(i.) *Health.*

1.—SANITARY CONDITION OF FACTORY.—(1) The following provisions shall apply to every factory as defined by this Act, except a domestic factory:—

(*a*) It must be kept in a cleanly state;

(*b*) It must be kept free from effluvia arising from any drain, watercloset, earth-closet, privy, urinal, or other nuisance;

(*c*) It must not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;

(*d*) It must be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

(2) The provisions of section ninety-one of the Public Health Act, 1875 (38 & 39 Vict. c. 55), with respect to a factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory to which this section applies.

(3) For the purpose of securing the observance of the requirements in this section as to cleanliness in factories, all the inside walls of the rooms of a factory, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a factory, if they have not been painted with oil or varnished once at least within seven years, shall (subject to any special exceptions made in pursuance of this section) be limewashed once at least within every fourteen months, to date from the time when they were last limewashed; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed.

(4) Where it appears to the Secretary of State that in any class of factories, or parts thereof, the provisions of this section with respect to limewashing or washing are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by Special Order grant to that class of factories, or parts thereof, a special exception that the said provisions shall not apply thereto.

(5) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

2.—Sanitary Condition of Workshops and Workplaces.—(1) The provisions of section ninety-one of the Public Health Act, 1875 (38 & 39 Vict. c. 55), with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall apply to every factory, workshop, and workplace, except any factory to which the last preceding section applies.

(2) Every workshop and every workplace within the meaning of the Public Health Act, 1875, must be kept free from effluvia arising from any drain, watercloset, earth-closet, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(3) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any district council that the limewashing, cleansing, or purifying, of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the council shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same, or part thereof, as the case may require.

(4) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the council may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(5) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891 (54 & 55 Vict. c. 76) applies.

3.—Overcrowding of Factory or Workshop.—(1) A factory shall for the purposes of this Act, and a workshop shall for the purposes of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at one time in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred cubic feet of space to every person.

(2) Provided that the Secretary of State may, by Special Order, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3) Where a workshop or workplace, not being a domestic workshop, is occupied by day as a workshop and by night as a sleeping apartment, the Secretary of State may by Special Order modify the proportion of cubic feet of space prescribed by this section, and substitute therefor any higher figures, and thereupon this section shall have effect as modified by the order.

(4) There shall be affixed in every factory and workshop a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of said section.

4.—Power of Secretary of State to Act in Default of Local Authority.—(1) If the Secretary of State is satisfied that the provisions of this Act, or of the law relating to public health in so far as it affects factories, workshops, and workplaces, have not been carried out by any district council, he may, by order, authorise an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

(2) An inspector authorised in pursuance of this section shall, for the purpose of his duties thereunder, have the same powers with respect to workshops and workplaces as he has with respect to factories, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act or of the law relating to public health, or for punishing or remedying any default as might be taken by the district council; and he shall be entitled to recover from the district council all such expenses in and about any proceedings as he may incur, and as are not recovered from any other person.

5.—Powers of Inspector as to Sanitary Defects in Factory or Workshop Remediable by Sanitary Authority.—(1) Where it appears to an inspector that any act, neglect, or default, in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop, is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of the act, neglect, or default, to the district council in whose district the factory or workshop is situate, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and take such action thereon, as seems to that council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2) An inspector may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the district council.

(3) Where notice of an act, neglect, or default, is given by an inspector under this section to a district council, and proceedings are not taken within one month for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the district council might have taken, and shall be entitled to recover from the district council all such expenses in and about the proceedings as the inspector incurs and as are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

6.—Temperature in Factories and Workshops.—(1) In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed, but the measures so taken must not interfere with the purity of the air of any room in which any person is employed.

(2) The Secretary of State may, by Special Order, direct with respect to any class of factories or workshops that thermometers be provided, maintained, and kept in working order, in such place and position as may be specified in the order.

(3) A factory or workshop in which there is any contravention of this section, or of any order under this section, shall be deemed not to be kept in conformity with this Act.

7.—Ventilation.—(1) In every room in any factory or workshop sufficient means of ventilation shall be provided, and sufficient ventilation shall be maintained.

(2) The Secretary of State may, by Special Order, prescribe a standard of sufficient ventilation for any class of factories or workshops, and that standard shall be observed in all factories and workshops of that class, and an order made under this power may supersede any provision of this Act or order of the Secretary of State with respect to ventilation in cotton cloth factories.

(3) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(4) If the occupier of a factory or workshop (including a cotton cloth factory in which humidity of the atmosphere is artificially produced) alleges that the whole or part of the expenses of providing the means of ventilation required by this Act ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case, regard being had to the terms of any contract between the parties.

8.—Drainage of Floors.—(1) In every factory or workshop or part thereof in which any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means shall be provided for draining off the wet.

(2) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

9.—Sanitary Conveniences in Factories and Workshops.—(1) Every factory and workshop must be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are or are intended to be employed or in attendance, with proper separate accommodation for persons of each sex.

(2) The Secretary of State shall, by Special Order, determine what is sufficient and suitable accommodation within the meaning of this section.

(3) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(4) This section does not apply to the administrative county of London, or to any place where section twenty-two of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59), is in force.

(ii.) *Safety.*

10.—Fencing of Machinery.—(1) With respect to the fencing of machinery in a factory the following provisions shall have effect:

(*a*) Every hoist or teagle, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of any water-wheel or engine worked by any such power, must be securely fenced; and

(*b*) Every wheel-race not otherwise secured must be securely fenced close to the edge of the wheel-race; and

(*c*) All dangerous parts of the machinery, and every part of the mill gearing, must either be securely fenced, or be in such position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced; and

(*d*) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.

(2) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act,

11.—Steam Boilers.—(1) Every steam boiler used for generating steam in a factory or workshop, or in any place to which any of the provisions of this Act apply, must, whether separate or one of a range—

(*a*) have attached to it a proper safety valve and a proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler; and

(*b*) be examined thoroughly by a competent person at least once in every fourteen months.

(2) Every such boiler, safety valve, steam gauge, and water gauge must be maintained in proper condition.

(3) A report of the result of every such examination in the prescribed form, containing the prescribed particulars, shall within fourteen days be entered into or attached to the general register of the factory or workshop, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler inspecting company or association, by the chief engineer of the company or association.

(4) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(5) This section shall not apply to the boiler of any locomotive which belongs to and is used by any railway company, or to any boiler belonging to or exclusively used in the service of His Majesty.

(6) For the purposes of this section, the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier, and he shall register the report referred to in this section.

12.—Regulations as to Self-Acting Machines.—(1) In a factory erected on or after the first day of January one thousand eight hundred and ninety-six, the traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise. Provided that nothing in this subsection shall prevent any portion of the traversing carriage of any self-acting cotton spinning or woollen spinning machine being allowed to run out within a distance of twelve inches from any part of the head stock of another self-acting cotton spinning or woollen spinning machine.

(2) A person employed in a factory must not be allowed to be in the space between the fixed and the traversing parts of a self-acting machine unless the machine is stopped with the traversing part on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3) A woman, young person, or child, must not be allowed to work between the fixed and traversing part of any self-acting machine, while the machine is in motion by the action of steam, water, or other mechanical power.

(4) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with this Act, and any person allowed to be in the space aforesaid or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

13.—Restrictions on Cleaning when Machinery is in Motion.—(1) A child must not be allowed to clean in any factory—

(*a*) any part of any machinery; or

(*b*) any place under any machinery other than overhead mill gearing, while the machinery is in motion by the aid of steam, water, or other mechanical power.

(2) A young person must not be allowed to clean any dangerous part of the machinery in a factory while the machinery is in motion by the aid of steam, water, or other mechanical power; and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

(3) A woman or young person must not be allowed to clean such part of the machinery in a factory as is mill-gearing while the machinery is in motion for the purpose of propelling any part of the manufacturing machinery.

(4) A woman, young person, or child, allowed to clean in contravention of this section, shall be deemed to be employed contrary to the provisions of this Act.

14.—Provision of Means of Escape in Case of Fire.—(1) Every factory of which the construction was not commenced on or before the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, and every workshop of which the construction was not commenced before the first day of January one thousand eight hundred and ninety-six, and in which more than forty persons are employed, must be furnished with a certificate from the district council of the district in which the factory or workshop is situate that the factory or workshop is provided with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and if the factory or workshop is not so furnished it shall be deemed not to be kept in conformity with this Act; and it shall be the duty of the council to examine every such factory and workshop, and, on being satisfied that the factory or workshop is so provided, to give such a certificate as aforesaid. The certificate must specify in detail the means of escape so provided.

(2) With respect to all factories and workshops to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the district council of every district from time to time to ascertain whether as such factories and workshops within their district are provided with such means of escape as aforesaid, and, in the case of any factory or workshop which is not so provided, to serve on the owner of the factory or workshop a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry them out before a specified date, and thereupon the owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and unless the requirements are complied with, the owner shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

(3) In case of a difference of opinion between the owner of the factory or workshop, and the last foregoing subsection, the difference shall, on the application of either party, to be made within one month after the time when the difference arises, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, and the award on the arbitration shall be binding on the parties thereto, and the notice of the council shall be discharged, amended, or confirmed in accordance with the award.

(4) If the owner alleges that the occupier of the factory or workshop ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory or workshop is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.

(5) For the purpose of enforcing the foregoing provisions of this section, an inspector may give the like notice and take the like proceedings as under the foregoing provisions of this Act with respect to matters punishable or remediable under the law relating to public health but not under this Act, and those provisions shall apply accordingly.

(6) The means of escape in case of fire provided in any factory or workshop shall be maintained in good condition and free from obstruction, and if it is not so maintained the factory or workshop shall be deemed not to be kept in conformity with this Act.

(7) For the purposes of this section the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier.

(8) All expenses incurred by a district council in the execution of this section shall be defrayed—

(*a*) In the case of an urban district council, as part of their expenses of the general execution of the Public Health Act, 1875 (38 & 39 Vict. c. 55); and

(*b*) In the case of a rural district council, as special expenses incurred in the execution of the Public Health Act, 1875;

and those expenses shall be charged to the contributory place in which the factory or workshop is situate.

15.—Byelaws for Means of Escape from Fire.—Every district council shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws providing for means of escape from fire in the case of any factory or workshop, and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall apply to any byelaws so made.

16.—Doors of Factory or Workshop to Open from Inside.—(1) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, must not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(2) In every factory or workshop the construction of which was not commenced before the first day of January one thousand eight hundred and ninety-six, the doors of each room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards.

(3) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

17.—Power to make Order as to Dangerous Machine.—(1) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any part of the ways, works, machinery, or plant used in a factory or workshop (including a steam boiler used for generating steam), is in such a condition that it cannot be used without danger to life or limb, by order, prohibit its use, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

(2) Where a complaint has been made under this section, the court or a justice may, on application ex parte by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, involves imminent danger to life, make an interim order prohibiting, either absolutely or subject to conditions, the use thereof until the earliest opportunity for hearing and determining the complaint.

(3) If there is any contravention of an order under this section, the person entitled to control the use of the part of the ways, works, machinery, or plant, shall be liable to a fine not exceeding forty shillings a day during the contravention.

18.—Power to make Order as to Unhealthy or Dangerous Factory or Workshop.—(1) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the use of that place for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any district council under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings under the foregoing provisions of this Act with respect to the enforcement of sanitary provisions in workshops, or with respect to matters punishable or remediable under the law relating to public health but not under this Act.

(3) If there is any contravention of an order under this section, the occupier of the place shall be liable to a fine not exceeding forty shillings a day during the contravention.

(iii.) *Accidents.*

19.—Notice of Accidents Causing Death or Bodily Injury.—(1) Where there occurs in a factory or workshop any accident which either—

(*a*) causes loss of life to a person employed in the factory or workshop; or

(*b*) causes to a person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work,

written notice shall forthwith be sent to the inspector for the district.

(2) If the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure, filled with hot liquid or molten metal or other substance, or by explosion or by escape of gas, steam, or metal, then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875 (38 & 39 Vict. c. 17), to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon for the district.

(3) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.

(4) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5) If any accident to which this section applies occurs to a person employed in an iron mill or blast furnace or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

20.—Investigation of and Report on Accidents by Certifying Surgeon.—(1) Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or workshop, he shall, with the least possible delay, proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof.

(2) The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

21.—Inquest in Case of Death by Accident in Factory or Workshop.—(1) Where a death has occurred by accident in a factory or workshop, the coroner shall forthwith advise the district inspector of the time and place of holding the inquest, and, unless an inspector or some person on behalf of the Secretary of State is present to watch the proceedings, the coroner shall adjourn the inquest, and shall, at least four days before holding the adjourned inquest, send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that, if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn.

(2) Any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the factory or workshop, shall be at liberty to attend at the inquest, and, either in person or by his counsel, solicitor, or agent, to examine any witness, subject nevertheless to the order of the coroner.

22.—Power to Direct Formal Investigation of Accidents.—Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the following provisions shall have effect:

(1) The Secretary of State may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation;

(2) The person or persons so appointed (herein-after called "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned;

(3) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers, namely :—

(*a*) Power to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purpose ;

(*b*) Power, by summons signed by court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make ;

(*c*) Power to require the production of all books, papers, and documents which it considers important for the said purpose ;

(*d*) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

(4) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record ; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of His Majesty's superior courts, who on request, signed by the court, shall ascertain and certify the proper amount of the expenses :

(5) The court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make :

(6) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act :

(7) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, shall for every such offence be liable to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding ten pounds for every day that such failure continues.

The Secretary of State may cause any special report of an inspector or any report of a court under this Part of this Act to be made public at such time and in such manner as he may think fit.

Part II.—Employment.

(i.) *Hours and Holidays.*

23.—Restrictions on Period of Employment of Women, Young Persons, and Children.—A woman, young person, or child shall not be employed in a factory or workshop except during the period of employment herein-after mentioned.

24.—Hours of Employment in Textile Factories.—Young Persons and Women. —With respect to the employment of women and young persons in a textile factory the following regulations shall be observed :

(1) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening ;

(2) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning ;

(3) Where the period of employment on Saturday begins at six o'clock in the morning, that period—

(*a*) If not less than one hour is allowed for meals, shall end at noon as regards employment in any manufacturing process, and at half-past twelve o'clock in the afternoon as regards employment for any purpose whatever; and

(*b*) If less than one hour is allowed for meals, shall end at half-past eleven o'clock in the forenoon as regards employment in any manufacturing process, and at noon as regards employment for any purpose whatever;

(4) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past twelve o'clock in the afternoon as regards any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever;

(5) There shall be allowed for meals during the said period of employment in the factory—

(*a*) on every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon;

(*b*) on Saturday not less than half an hour;

(6) A woman or young person shall not be employed continuously for more than four hours and a half, without an interval of at least half an hour for a meal.

25.—Hours of Employment in Textile Factories—Children.—With respect to the employment of children in a textile factory the following regulations shall be observed:

(1) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only.

(2) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end either—

(*a*) at one o'clock in the afternoon; or

(*b*) if the dinner time begins before one o'clock, at the beginning of dinner time; or

(*c*) if the dinner time does not begin before two o'clock, at noon.

(3) The period of employment for a child in an afternoon set shall, except on Saturday, begin either—

(*a*) at one o'clock in the afternoon; or

(*b*) at any later hour at which the dinner time terminates; or

(*c*) if the dinner hour does not begin before two o'clock, and the morning set ends at noon, at noon; and shall end at the same hour as if the child were a young person.

(4) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person.

(5) A child shall not be employed in two successive periods of seven days in the morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half.

(6) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks.

(7) A child shall not on either system be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal.

26.—Hours of Employment in Non-textile Factories and Workshops—Young Persons and Women.—With respect to the employment of women and young persons in a non-textile factory, and a workshop, the following regulations shall be observed:—

(1) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six

o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening.

(2) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning and end at two o'clock in the afternoon, or begin at seven o'clock in the morning and end at three o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon.

(3) There shall be allowed for meals during the said period of employment in the factory or workshop—

(*a*) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(*b*) on Saturday not less than half an hour.

(4) A woman or a young person in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.

27.—Hours of Employment in Non-textile Factories and Workshops—Children.—With respect to the employment of children in a non-textile factory and a workshop, the following regulations shall be observed:—

(1) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only.

(2) The period of employment for a child in the morning set on every day, including Saturday, shall begin at six or seven or eight o'clock in the morning and end either—

(*a*) at one o'clock in the afternoon; or

(*b*) if the dinner time begins before one o'clock, at the beginning of dinner time; or

(*c*) if the dinner time does not begin before two o'clock, at noon.

(3) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin either—

(*a*) at one o'clock in the afternoon; or

(*b*) at any hour later than half-past twelve at which the dinner time terminates; or

(*c*) if the dinner time does not begin before two o'clock and the morning set ends at noon, at noon;

and shall end on Saturday at two o'clock in the afternoon, and on any other day at six or seven or eight o'clock in the evening, according as the period of employment for children in the morning set began at six or seven or eight o'clock in the morning.

(4) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week.

(5) When a child is employed on the alternate day system—

(*a*) The period of employment for such a child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening;

(*b*) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon, or begin at eight o'clock in the morning, and end at four o'clock in the afternoon;

(*c*) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour; but

(*d*) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks.

(6) A child shall not on either system be employed continuously for more than five hours without an interval of at least half an hour for a meal.

28.—Hours of Employment in Print Works and Bleaching and Dyeing Works.—In print works and bleaching and dyeing works the period of employment for a woman, young person, and child, and the times allowed for meals, shall be the same as if the works were a textile factory, and the regulations of this Act with respect to the employment of women, young persons, and children in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a woman, young person, or child in the works for five hours without an interval of half an hour for a meal.

29.—Special Provisions as to Employment in Women's Workshops.—(1) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

(*a*) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(*b*) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

(2) Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed to be conducted on that system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

30.—Special Provision as to Eight Hours' Employment of Women and Young Persons.—In a non-textile factory or workshop where a woman or young person has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that woman or young person may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

31.—Restriction on Employment Inside and Outside Factory or Workshop on same Day.—(1) A child must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child be employed in the factory or workshop.

(2) A woman or young person must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the woman or young person is employed in the factory or workshop both before and after the dinner hour.

(3) For the purposes of this section a woman, young person, or child to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4) If a woman or young person is employed by the occupier of a factory or workshop on the same day, both in the factory or workshop, and in a shop, then—

(*a*) the whole time during which that woman or young person is employed shall

not exceed the number of hours permitted by this Act for her or his employment in the factory or workshop on that day; and

(*b*) if the woman or young person is employed in the shop, except during the period of employment fixed by the occupier, and specified in a notice affixed in the factory or workshop in pursuance of this Act, the occupier shall make the prescribed entry in the general register with regard to her or his employment.

(5) This Act shall apply as if any woman, young person, or child employed in contravention of this section were employed in a factory or workshop contrary to the provisions of this Act.

32.—Notice fixing Hours of Employment, &c.—(1) The occupier of every factory and workshop may fix within the limits allowed by this Act, and shall, subject to any special exceptions made by or in pursuance of this Act, specify in a notice which must be affixed in the factory of workshop—

(*a*) The period of employment;

(*b*) The times allowed for meals; and

(*c*) Whether the children are employed on the system of morning and afternoon sets or of alternate days.

(2) In a factory or workshop where such a notice is required to be affixed, the period of employment, the times allowed for meals, and the system of employment for all the children in the factory or workshop, shall be those for the time being specified in the notice.

(3) A change in the said period or times or system shall not be made until the occupier has served on an inspector, and affixed in the factory or workshop, notice of his intention to make the change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(4) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view for the purpose of regulating the period of employment in a factory or workshop, the period of employment and the time allowed for meals in that factory or workshop shall be regulated by that clock.

33.—Meal Times to be Simultaneous, and Employment during Meal Times forbidden.—With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in a factory and workshop:—

(1) All women, young persons, and children employed therein shall have the times allowed for meals at the same hour of the day; and

(2) A woman, young person, or child shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

34.—Prohibition of Sunday Employment.—A woman, young person, or child shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop.

35.—Annual Holidays and Half Holidays.—(1) Subject to any special exceptions made by or in pursuance of this Act, the occupier of a factory or workshop shall allow in each year to every woman, young person, and child employed in the factory or workshop the following holidays:

In England there shall be allowed as whole holidays—

Christmas Day, Good Friday, and every Bank holiday, unless, in lieu of any of those days, another whole holiday or two half holidays, fixed by the occupier, be allowed.

In Scotland there shall be allowed—

(*a*) In burghs or police burghs, as whole holidays, the two days set apart by the Church of Scotland for the observance of the Sacramental Fast in the parish, or, if those fast days have been abolished or discontinued, two days, not less than three months apart, to be fixed by the town council; elsewhere, two whole holidays, not less than three months apart, fixed by the occupier;

(*b*) Eight half holidays fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

In Ireland there shall be allowed—

(*a*) Christmas Day;

(*b*) Any two of the following days, fixed by the occupier, namely, the seventeenth of March (when it does not fall on a Sunday), Good Friday, Easter Monday, and Easter Tuesday;

(*c*) Six half holidays, fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

(2) At least half of the said whole holidays or half holidays shall be allowed between the fifteen day of March and the first day of October in every year.

(3) A notice of every whole holiday or half holiday must be affixed in the factory or workshop during the first week in January, and a copy thereof must on the same day be forwarded to the inspector for the district, and unless the notice has been so affixed and sent cessation from work shall not be deemed to be a whole holiday or a half holiday:

Provided that—

(*a*) this subsection does not apply in the case of a whole holiday in a factory or workshop in England or Wales if the whole holiday is Christmas Day or Good Friday or a Bank Holiday;

(*b*) any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.

(4) A half holiday shall comprise at least one half of the period of employment for women and young persons on some day other than Saturday, or a day substituted for Saturday.

(5) A woman, young person, or child who—

(*a*) on a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop; or

(*b*) on a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for that half holiday;

shall be deemed to be employed contrary to the provisions of this Act.

(6) If in a factory or workshop such whole holidays or half holidays as are required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(ii.) *Special Exceptions as to Hours and Holidays.*

36.—Employment between 9 a.m. and 9 p.m. in Certain Cases.—Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that the grant can be made without injury to the health of the women, young persons, and children affected thereby, he may, by Special Order, grant to that class of factories or workshops or parts thereof, a special exception that the period of employment for women and young persons therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in that case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

37.—Employment of Male Young Persons above 16 in Lace Factories.—(1) In the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, the period of employment for any male young person above the age of sixteen years may be between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

(*a*) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and

(*b*) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and

(*c*) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2) For the purpose of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the factory, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the factory, and notice of such period shall be affixed in the factory.

38.—Employment of Male Young Persons above Sixteen in Bakehouses.—In the part of a bakehouse in which the process of baking bread is carried on, the period of employment for any male young person above the age of sixteen years may be between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

(*a*) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and

(*b*) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and

(*c*) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2) For the purposes of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the bakehouse, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the bakehouse, and notice of that period shall be affixed in the bakehouse.

39.—Five Hours' Spell in Certain Textile Factories.—(1) In any of the textile factories to which this exception applies, a woman, young person, or child may, between the first day of November and the last day of March next following, be employed continuously for five hours without an interval for a meal; provided that—

(*a*) the period of employment fixed by the occupier and specified in the notice begins at seven o'clock in the morning; and

(*b*) the whole time between that hour and eight o'clock is allowed for meals.

(2) This exception applies to textile factories solely used for—

(*a*) the making of elastic web; or

(*b*) the making of ribbon; or

(*c*) the making of trimming.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the women, young persons, and children affected thereby, he may, by Special Order, extend this exception accordingly. The limitation of this exception to the period between the first day of November and the following last day of March shall not, if the Secretary of State by Special Order so directs, apply to hosiery factories.

40.—Different Meal Times for Different Sets, and Employment During Meal Times.—(1) The provisions of this Act which require that all the women, young persons, and children employed in a factory or workshop must have the times allowed for meals at the same hour of the day shall not apply to the following factories, namely:—

(i) Blast furnaces, or

(ii) Iron mills, or

(iii) Paper mills, or

(iv) Glass works, or

(v) Letter-press printing works.

(2) The provisions of this Act which require that a woman, young person, or child shall not during the times allowed for meals be employed or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply to the following factories, namely:—

(i) Iron mills, or

(ii) Paper mills, or

(iii) Glass works (except any part in which the materials are mixed, and, in the case of glass works where flint glass is made, any part in which the work of grinding, cutting, or polishing is carried on), or

(iv) Letter-press printing works.

(3) In that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on—

(i) A male young person may have the times allowed him for meals at different hours of the day from other young persons and women and children employed in the factory;

(ii) A male young person may, during the times allowed for meals to any other young person or to any woman or child, be employed or be allowed to remain in a room in which a manufacturing process is carried on; and

(iii) During the times allowed for meals to a male young person any other young person or any woman or child may be employed in the factory or be allowed to remain in a room in which a manufacturing process is carried on.

(4) Where it is proved to the satisfaction of the Secretary of State that on any class of factories or workshops or parts thereof it is necessary, by reason if the continuous nature of the process or of special circumstances affecting that class, to extend thereto both or either of the following exceptions, namely:—

(*a*) an exception permitting the women, young persons, and children employed in the factory or workshop to have the times allowed for meals at different hours of the day; or

(*b*) an exception permitting women, young persons, and children, during the times allowed for meals in the factory or workshop, to be employed in the factory or workshop or to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on,

and that the extension can be made without injury to the health of the women, young persons, and children affected thereby, he may, by Special Order, extend both or either of those exceptions accordingly.

41.—Special Exceptions as to Fish and Fruit Preserving.—(1) The provisions of this Act as to period of employment, times for meals, and holidays, shall not apply to young persons and women engaged—

(*a*) in processes in the preserving and curing of fish which must be carried out immediately on the arrival of the fishing boats in order to prevent the fish from being destroyed or spoiled; or

(*b*) in the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit immediately on its arrival at a factory or workshop during the months of June, July, August, and September, but this exception shall be subject to such conditions as the Secretary of State may by Special Order prescribe.

(2) Where an occupier avails himself of this exception, the notice required to be served and affixed by an occupier of a factory or workshop availing himself of any special exception, need not specify the hours for the beginning and end of the period of employment, or the times to be allowed for meals.

42.—Special Exceptions as to Creameries.—In the case of creameries in which women and young persons are employed, the Secretary of State may, by Special Order, vary the beginning and end of the daily period of employment of those women and young persons, and the times allowed for their meals, and allow their employment for not more than three hours on Sundays and holidays: Provided that the order shall not permit any excess over either the daily or the weekly maximum number of hours of employment allowed by this Act.

43.—Substitution of Another Day for Saturday.—Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for women, young persons, and children is required by this Act to end on Saturday, he may, by Special Order, grant to that class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in that case this Act shall apply in the factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day. In the case of newspaper printing offices, he may by such order authorise the substitution of some other day for Saturday in respect of some of the young persons therein employed.

44.—Saturday Employment in Turkey Red Dyeing.—In the process of Turkey red dyeing the period of employment for women and young persons on Saturday may extend until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which must in no case be exceeded.

45.—Holidays on Different days for Different Sets.—Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may, by Special Order, grant to that class of factories or workshops a special exception authorising the occupier of any such factory or workshop to allow all or any of the annual whole holidays or half holidays on different days to any of the women, young persons, and children employed in his factory or workshop, or to any sets of those women, young persons, and children, and not on the same days.

46.—Employment Inside and Outside on the Same Day.—Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, or parts thereof, either generally or when situate in any particular locality, require that that trade should be excepted from the operation of the provisions of this Act relating to employment inside and outside a factory or workshop on the same day, he may, by Special Order, grant to that class of factories or workshops, or parts thereof, such special exception as may be necessary.

47.—Hours and Holidays in Factory or Workshop of Jewish Occupier.—Where the occupier of a factory or workshop is a person of the Jewish religion—

(1) If he keeps his factory or workshop closed on Saturday until sunset, he may employ women and young persons on Saturday from after sunset until nine o'clock in the evening; or

(2) If he keeps his factory or workshop closed on Saturday both before and after sunset, he may employ women and young persons one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening.

48.—Sunday Employment of Jews in Factory or Workshop of Jewish Occupier.—Where the occupier of a factory or workshop is a person of the Jewish religion, a woman or young person of the Jewish religion may be employed on Sunday, subject to the following conditions:

(1) The factory or workshop must be closed on Saturday and must not be open for traffic on Sunday; and

(2) The occupier must not avail himself of the exception authorising the employment of women and young persons on Saturday evening, or for an additional hour during any other day in the week.

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice, the word Friday were substituted for Saturday.

Overtime.

49.—Overtime Employment of Women for Press of Work.—(1) In the non-textile factories and workshops or parts thereof and warehouses to which this exception applies, the period of employment for women on any day except Saturday, or any day substituted for Saturday, may be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, or between eight o'clock in the morning and ten o'clock in the evening, if they are employed in accordance with the following conditions, namely:—

(*a*) There must be allowed to every woman for meals during the period of employment not less than two hours, of which half an hour must be after five o'clock in the evening; and

(*b*) A woman must not be so employed in the whole for more than three days in any one week; and

(*c*) Overtime employment under this section must not take place in a factory or workshop on more than thirty days in the whole in any twelve months, and in reckoning that period of thirty days, every day on which any woman has been employed overtime is to be taken into account.

(2) This exception applies to the non-textile factories and workshops and parts thereof and warehouses specified in the Second Schedule to this Act, except that it does not apply to a workshop or part thereof which is conducted on the system of not employing any young person or child therein.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women affected thereby, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.

50.—Overtime Employment of Women on Perishable Articles.—(1) In the factories and workshops and parts thereof to which this exception applies, the period of employment for a woman may on any day except Saturday, or any day substituted for Saturday, be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, if she is employed in accordance with the following conditions, namely:—

(*a*) There must be allowed her for meals not less than two hours, of which half an hour must be after five o'clock in the evening; and

(*b*) She must not be so employed in the whole for more than three days in any one week; and

(*c*) Overtime employment under this section must not take place in a factory or workshop on more than fifty days in the whole in any twelve months; and in reckoning that period of fifty days, every day on which any woman has been employed overtime is to be taken into account.

(2) This exception applies to every factory and workshop or part thereof in which is carried on—

(*a*) the process of making preserves from fruit; or

(*b*) the process of preserving or curing fish; or

(*c*) the process of making condensed milk.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.

51.—Overtime Employment on Incomplete Process.—(1) If in any factory or workshop or part thereof to which this exception applies, the process in which a woman,

young person, or child is employed, is in an incomplete state at the end of the period of employment of the woman, young person, or child, the woman, young person, or child may on any day except Saturday, or any day substituted for Saturday, be employed for a further period not exceeding thirty minutes:

Provided that those further periods, when added to the total number of hours of the periods of employment of the woman, young person, or child in that week, do not raise that total above the number otherwise allowed under this Act.

(2) This exception applies to the factories and workshops following, namely:—

(*a*) Bleaching and dyeing works;

(*b*) Print works;

(*c*) Iron mills in which male young persons are not employed during any part of the night;

(*d*) Foundries in which male young persons are not employed during any part of the night; and

(*e*) Paper mills in which male young persons are not employed during any part of the night.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to that class of factories or workshops or parts thereof of this exception can be made without injury to the health of the women, young persons, and children affected thereby, he may, by Special Order, extend this exception accordingly.

52.—Overtime Employment in Factories Driven by Water.—Where it appears to the Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by Special Order, grant to those factories a special exception permitting the employment of women and young persons during a period of employment from six o'clock in the morning until seven o'clock in the evening, on such conditions as he thinks proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, or any day substituted for Saturday, and that as regards factories liable to be stopped by drought, the special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, the special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

53.—Overtime Employment in Turkey Red Dyeing and Open-air Bleaching.—A woman or young person may on any day except Saturday, or any day substituted for Saturday, be employed beyond the period of employment, so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Night Work.

54.—Night Employment of Male Young Persons of 14.—(1) In the factories and workshops to which this exception applies, a male young person of fourteen years of age and upwards may be employed during the night, if he is employed in accordance with the following conditions, namely:—

(*a*) The period of employment must not exceed twelve consecutive hours, and must begin and end at the hours specified in the notice in this Act mentioned; and

(*b*) The provisions of this Part of this Act with respect to the allowance of times for meals shall be observed with the necessary modifications as to the hour at which the meal times are fixed; and

(*c*) A young person employed during any part of the night must not be employed during any part of the twelve hours preceding or succeeding the period of employment; and

(*d*) He must not be employed on more than six nights, or in the case of blast fur-

naces or paper mills seven nights, in any two weeks; provided that this condition shall not prevent the employment of male young persons in three shifts of not more than eight hours each, if there is an interval of two unemployed shifts between each two shifts of employment; and

(*e*) In the case of blast furnaces, iron mills, letter-press printing works, or paper mills, he must not be employed during the night in any process other than a process incidental to the business of a factory as described in Part I. of the Sixth Schedule to this Act.

(2) The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of whole or half holidays, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

(3) This exception applies to the following factories, namely:—

(*a*) Blast furnaces,

(*b*) Iron mills,

(*c*) Letter-press printing works, and

(*d*) Paper mills.

(4) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops, or parts thereof, it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age and upwards at night, and that such employment will not injure the health of the male young persons employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof so far as regards young persons of the age of sixteen years and upwards.

55. Night Employment of Male Young Persons of Fourteen in Glass Works.—In glass works a male young person of fourteen years of age and upwards may work according to the accustomed hours of the works, if he is employed in accordance with the following conditions, namely:

(*a*) The total number of hours of the period of employment must not exceed sixty in any one week; and

(*b*) The periods of employment must not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that the number of turns do not exceed nine; and

(*c*) He must not work in any turn without an interval of time not less than one full turn; and

(*d*) He must not be employed continuously for more than five hours without an interval of at least half an hour for a meal; and

(*e*) He must not be employed on Sunday.

56.—Night Employment of Male Young Persons of Sixteen in Printing Newspapers.—In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, a male young person above the age of sixteen years may be employed at night during not more than two nights in a week, as if he were no longer a young person:

Provided that he must not in pursuance of this exception be employed more than twelve hours in any consecutive period of twenty-four hours.

Intermittent Employment.

57.—Exemption for Certain Flax Scutch Mills.—(1) The regulations of this Act with respect to the period of employment for women shall not apply to flax scutch mills which are conducted on the system of not employing either young persons or children therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year.

(2) A flax scutch mill shall not be deemed to be conducted on the system of not employing either young persons or children therein, until the occupier has served on an inspector notice of his intention to conduct the mill on that system.

Supplemental.

58.—Power to Impose Sanitary Requirements as Condition of Special Exceptions.—(1) Where it appears to the Secretary of State—

(*a*) That the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of women, young persons, or children, employed, in pursuance of an exception under this Part of this Act, either for a longer period than is otherwise allowed by this Act, or at night; or

(*b*) That the adoption of a special provision as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, is required for the protection of the health of any women or young persons employed in pursuance of such an exception at night,

he may, by Special Order, direct that the adoption of the means or provision shall be a condition of such employment.

(2) If it appears to the Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by Special Order, rescind the order directing the adoption without prejudice to the subsequent making of another order.

59.—Power to Rescind Orders as to Special Exceptions.—Where an exception has been granted or extended under this Act by an order of the Secretary of State, and it appears to the Secretary of State that the exception is injurious to the health of the women, young persons, or children employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the exception was so granted or extended, he may, by Special Order, rescind the grant or extension, without prejudice to the subsequent making of another order.

60.—Notices, Registers, &c., Relating to Special Exceptions.—(1) An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception made by or in pursuance of this Act, shall serve on the inspector for the district, and affix in his factory or workshop, notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

(2) Before the service of the notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of the notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory or workshop, unless he has previously served on the inspector for the district notice that he no longer intends to avail himself of the exception.

(3) The notice so served and affixed must, except as otherwise provided by this Act, specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every woman, young person, and child where they differ from the ordinary hours or times.

(4) An occupier of a factory or workshop shall enter in the prescribed register and report to the inspector for the district the prescribed particulars respecting the employment of a woman, young person, or child in pursuance of a special exception; and, in the case of employment overtime, he shall also cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and he shall send the report required by this subsection to the inspector not later than eight o'clock in the evening on which any woman, young person, or child is employed overtime in pursuance of the exception.

(5) Where the occupier of a factory or workshop avails himself of a special exception made by or in pursuance of this Act, and a condition for availing himself of that exception (whether specified in this Act, or in an order of the Secretary of State made under this Act) is not observed in that factory or workshop, then

(*a*) If the condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and

(*b*) In any other case a woman, young person, or child, employed in the factory or workshop, in alleged pursuance of the exception, shall be deemed to be employed contrary to the provisions of this Act.

(6) Where an occupier of a factory or workshop has served on an inspector a report in pursuance of this section of his intention to employ any persons overtime by virtue of a special exception, the report shall, unless withdrawn, be *prima facie* evidence in any proceedings under this Act that the occupier has in fact employed persons overtime in accordance with the report.

(iii.) *Fitness for Employment.*

61.—Prohibition of Employment of Women after Childbirth.—An occupier of a factory or workshop shall not knowingly allow a woman or girl to be employed therein within four weeks after she has given birth to a child.

62.—Prohibition of Employment of Children under Twelve.—A child under the age of twelve years must not be employed in a factory or workshop unless lawfully so employed at the commencement of this Act.

63.—Certificates of Fitness for Employment of Young Persons under Sixteen and Children in Factories.—(1) In a factory a young person under the age of sixteen years or a child must not be employed for more than seven, or if the certifying surgeon for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of the young person or child for employment in that factory.

(2) When a child becomes a young person a fresh certificate of fitness must be obtained.

(3) The occupier shall, when required, produce to an inspector at the factory in which a young person or child is employed the certificate of fitness of that young person or child for employment.

64.—Regulations as to Grant of Certificate of Fitness.—With respect to a certificate of fitness for employment for the purposes of this Act, the following provisions shall have effect:

(1) The certificate shall be granted by the certifying surgeon for the district.

(2) The certificate must not be granted except upon personal examination of the person named therein.

(3) A certifying surgeon shall not examine a young person or child for the purpose of the certificate or sign the certificate elsewhere than at the factory where the young person or child is or is about to be employed, unless the number of young persons and children employed in that factory is less than five, or unless for some special reason allowed in writing by an inspector.

(4) The certificate must be to the effect that the certifying surgeon is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate is of the age therein specified, and has been personally examined by him, and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

(5) The certificate may be qualified by conditions as to the work on which a child or young person is fit to be employed, and if it is so qualified the occupier shall not employ the young person or child otherwise than in accordance with the conditions.

(6) A certifying surgeon shall have the same powers as an inspector for the purpose of examining any process in which a child or young person presented to him for the grant of a certificate is proposed to be employed.

(7) All factories in the occupation of the same occupier and in the district of the same certifying surgeon, or any of them, may be named in the certificate, if the surgeon is of opinion that he can truly give the certificate for employment therein.

(8) The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the young person or child (whether that copy is obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from

a local authority within the meaning of the Elementary Education Act, 1876 (39 & 40 Vict. c. 79), to the effect that it appears from the returns transmitted to that authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

(9) Where the certificate is to the effect that the certifying surgeon has been satisfied of the age of a young person or child by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate if he has reasonable cause to believe that the real age of the young person or child named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

(10) Where a certifying surgeon refuses to grant a certificate for any person examined by him, he shall when required give in writing and sign the reasons for his refusal.

65.—Power to Obtain Certificates of Fitness for Employment in Workshops.—In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of young persons under the age of sixteen years and children who are unfitted for that employment, an occupier of a workshop may obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of young persons under the age of sixteen years and children for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the young persons and children, and grant certificates accordingly.

66.—Power to Require Certificates of Fitness for Employment in Certain Workshops.—(1) Where it appears to the Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the young persons under the age of sixteen years, and of the children employed therein, to extend thereto the prohibition in this section mentioned, he may, by Special Order, extend to that class of workshops the prohibition in this Act of the employment of young persons under the age of sixteen years and children without a certificate of the fitness of the young person or child for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

(2) If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the young persons under the age of sixteen years and the children employed in any class of workshops to which it has been extended under this section, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

67.—Power of Inspector to Require Surgical Certificate of Capacity for Work.—Where an inspector is of opinion that a young person under the age of sixteen years or a child, is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of that young person or child be discontinued from the period named therein, not being less than one nor more than seven days after the service of the notice, and the occupier shall not continue after the period named in the notice to employ that young person or child (notwithstanding that a certificate of fitness has been previously obtained for the young person or child), unless the certifying surgeon for the district has, after the service of the notice, personally examined the young person or child, and has certified that the young person or child is not so incapacitated as aforesaid.

Part III.—Education of Children.

68.—Attendance at School of Children Employed in Factory or Workshop.—(1) The parent of a child employed in a factory or workshop shall cause that child

to attend some recognised efficient school (which school may be selected by the parent), as follows:

(*a*) The child, when employed in a morning or afternoon set, must in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and

(*b*) The child, when employed on the alternate day system, must on each work day preceding each day of employment be caused to attend for at least two attendances;

(*c*) An attendance for the purposes of this section shall be an attendance as defined for the time being by the Secretary of State with the consent of the Board of Education, and be between the hours of eight in the morning and six in the evening:

Provided as follows:—

(i) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed:

(ii) The non-attendance of a child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, and when the school is closed during the ordinary holidays or for any other temporary cause:

(iii) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child, a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Board of Education every case of the approval of a school by him under this section.

(2) A child who has not in any week attended school for all the attendances required by this section must not be employed in the following week until he has attended school for the deficient number of attendances.

(3) The Board of Education shall, by the publication of lists or of notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

69.—Obtaining of School Certificate by Occupier.—(1) The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which the child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by a child a certificate (according to the prescribed form and directions) respecting the attendance of the child at school in accordance with this Act.

(2) If a child is employed without such certificate being obtained as is required by this section, the child shall be deemed to be employed contrary to the provisions of this Act.

(3) The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or workshop, and shall produce the same to an inspector when required during that period.

70.—Payment by Occupier of Sum for Schooling.—The persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by them, may (if fees for children may be charged in that school) apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, that weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

71.—Employment as Young Person of Child of Thirteen on Obtaining Educational Certificate.—(1) When a child of the age of thirteen years has obtained from a

person authorised by the Board of Education a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school as is mentioned in this section, that child shall be deemed to be a young person for the purposes of this Act.

(2) The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by the Secretary of State, with the consent of the Board of Education, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication.

(3) Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

72.—Definitions of "Certified Efficient School," and "Recognised Efficient School."—(1) In this Act—

The expression "certified efficient school" means a public elementary school within the meaning of the Elementary Education Acts, 1870 to 1900, and any workhouse school in England certified to be efficient by the Local Government Board, and any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of His Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as are for the time being required by the Board of Education, and is certified by the Board to be an efficient school; and

The expression "recognised efficient school" means a certified efficient school, and any school which the Board of Education have not refused to take into consideration under the Elementary Education Act, 1870 (33 & 34 Vict. c. 75), as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education.

(2) An inspector shall immediately report to the Board of Education every school recognised by him as giving efficient elementary education.

Part IV.—Dangerous and Unhealthy Industries.

(i.) *Special Provisions.*

73.—Notification of Certain Diseases Contracted in Factory or Workshop.—(1) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorous, arsenical or mercurial poisoning, or anthrax, contracted in any factory or workshop, shall (unless the notice required by this subsection has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Secretary of State in the execution of this Act.

(2) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings.

(3) Written notice of every case of lead, phosphorous, or arsenical or mercurial poisoning, or anthrax, occurring in a factory or workshop, shall forthwith be sent to the inspector and to the certifying surgeon for the district; and the provisions of this Act with respect to accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Secretary of State may, by Special Order, apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

74.—Provision as to Ventilation by Fan in Certain Factories and Workshops.—If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any

process is carried on by which dust, or any gas, vapour, or other impurity, is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

75.—Lavatories and Meals in Certain Dangerous Trades.—(1) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

(2) In any factory or workshop where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, a person shall not be allowed to take a meal, or to remain during the times allowed to him for meals, in any room in which any such substance is used, and suitable provision shall be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.

(3) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

76.—Restrictions as to Employment in Wet-Spinning.—(1) A woman, young person, or child must not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means are employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

(2) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

77.—Prohibition of Employment of Young Persons and Children in Certain Factories and Workshops.—(1) In the part of a factory or workshop in which there is carried on—

(*a*) the process of silvering of mirrors by the mercurial process; or

(*b*) the process of making white lead,

a young person or child must not be employed.

(2) In the part of a factory in which the process of melting or annealing glass is carried on, a female young person or a child must not be employed.

(3) In a factory or workshop in which there is carried on—

(*a*) the making or finishing of bricks or tiles not being ornamental tiles; or

(*b*) the making or finishing of salt,

a girl under the age of sixteen years must not be employed.

(4) In the part of a factory or workshop in which there is carried on—

(*a*) any dry grinding in the metal trade; or

(*b*) the dipping of lucifer matches,

a child must not be employed.

(5) Notice of a prohibition contained in this section must be affixed in the factory or workshop to which it applies.

78.—Prohibition of Taking Meals in Certain Parts of Factories and Workshops.—(1) A woman, young person, or child must not be allowed to take a meal or to remain during the times allowed for meals in the following factories or workshops, or parts of factories or workshops; that is to say,—

(*a*) in the case of glass works, in any part in which the materials are mixed; and

(*b*) in the case of glass works where flint glass is made, in any part in which the work of grinding, cutting, or polishing is carried on; and

(*c*) in the case of lucifer-match works, in any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and

(*d*) in the case of earthenware works, in any part known or used as dippers house, dippers drying room, or china scouring room.

(2) If a woman, young person, or child is allowed to take a meal or to remain during the times allowed for meals in a factory or workshop or part thereof in contravention of this section, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

(3) Notice of the prohibition in this section shall be affixed in every factory or workshop to which it applies.

(4) Where it appears to the Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in this section the taking of meals therein is specially injurious to health, he may, if he thinks fit, by Special Order, extend the prohibition in this section to the class of factories or workshops or parts thereof.

(5) If the prohibition in this section is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of women, young persons, and children in any class of factories or workshops or parts thereof to which it has been so extended, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

(ii.) *Regulations for Dangerous Trades.*

79.—Power to Make Regulations for Safety of Persons Employed in Dangerous Trades.—Where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour, used in factories or workshops, is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, he may certify that manufacture, machinery, plant, process, or description of manual labour, to be dangerous; and thereupon the Secretary of State may, subject to the provisions of this Act, make such regulations as appear to him to be reasonably practicable, and to meet the necessity of the case.

80.—Procedure for Making Regulations.—(1) Before the Secretary of State makes any regulations under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.

(2) Every objection must be in writing and state—

(*a*) the draft regulations or portions of draft regulations objected to;

(*b*) the specific grounds of objections; and

(*c*) the omissions, additions, or modifications asked for.

(3) The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and shall then cause the amended draft to be dealt with in like manner as an original draft.

(4) Where the Secretary of State does not amend or withdraw any draft regulations to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall, before making the regulations, direct an inquiry to be held in manner herein-after provided.

81.—Inquiries.—(1) The Secretary of State may appoint a competent person to hold an inquiry with regard to any draft regulations, and to report to him thereon.

(2) The inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent.

(3) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4) Subject of aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State.

(5) The fee to be paid to the person holding the inquiry shall be such as the Secretary of State may direct, and shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.

82.—Application of Regulations.—(1) The regulations made under the fore-

going provisions of this Act may apply to all the factories and workshops in which the manufacture, machinery, plant, process, or description of manual labour, certified to be dangerous, is used (whether existing at the time when the regulations are made or afterwards established), or to any specified class of such factories or workshops. They may provide for the exemption of any specified class of factories or workshops either absolutely or subject to conditions.

(2) The regulations may apply to tenement factories and tenement workshops, and in such case may impose duties on occupiers who do not employ any person, and on owners.

(3) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of any regulation made under this Act.

83.—Provisions which may be made by Regulations.—Regulations made under the foregoing provisions of this Act may, among other things,—

(*a*) prohibit the employment of, or modify or limit the period of employment of all persons or any class of persons in any manufacture, machinery, plant, process, or description of manual labour certified to be dangerous; and

(*b*) prohibit, limit, or control the use of any material or process; and

(*c*) modify or extend any special regulations for any class of factories or workshops contained in this Act.

84.—Regulations to be laid before Parliament.—Regulations made under the foregoing provisions of this Act shall be laid as soon as possible before both Houses of Parliament, and if either House, within the next forty days after the regulations have been laid before that House, resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new regulations. If one or more of a set of regulations are annulled, the Secretary of State may, if he thinks fit, withdraw the whole set.

85.—Breach of Regulations.—(1) If any occupier, owner, or manager, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine not exceeding ten pounds, and, in the case of a continuing offence, to a fine not exceeding two pounds for every day during which the offence continues after conviction therefor.

(2) If any person other than an occupier, owner, or manager, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable to a fine not exceeding ten pounds, unless he proves that he has taken all reasonable means by publishing, and to the best of his power enforcing, the regulations to prevent the contravention or non-compliance.

86.—Publication of Regulations.—(1) Notice of any regulations having been made under the foregoing provisions of this Act, and of the place where copies of them can be purchased, shall be published in the London, Edinburgh, and Dublin Gazettes.

(2) Printed copies of all regulations for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the regulations shall be posted up in the Welsh language also.

(3) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his or her application.

(4) If the occupier of any factory or workshop fails to comply with any provision of this section as to posting up or giving copies, he shall be liable to a fine not exceeding ten pounds.

(5) Every person who pulls down, injures, or defaces any regulations posted up in pursuance of this Act, or any notice posted up in pursuance of the regulations, shall be liable to a fine not exceeding five pounds.

(6) Regulations for the time being in force under this Act shall be judicially noticed.

PART V.—SPECIAL MODIFICATIONS AND EXTENSIONS.

(i.) *Tenement Factories.*

87.—DUTIES OF OWNER OF TENEMENT FACTORY.—(1) The owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions of this Act, namely, the provisions with respect to—

(i) the cleanliness, freedom from effluvia, overcrowding and ventilation of factories contained in section one of this Act, including, so far as they relate to any engine-house, passage, or staircase, or to any room which is let to more than one tenant, the provisions with respect to limewashing and washing of the interior of a factory;

(ii) the fencing of machinery, and penal compensation for neglect to fence machinery in a factory, except so far as relates to such parts of the machinery as are supplied by the occupier;

(iii) the notices to be affixed in a factory with respect to the period of employment, times for meals, system of employment of children;

(iv) the prevention of the inhalation of dust, gas, vapour, or other impurity, so far as that provision requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose; and

(v) the affixing of an abstract and notices in a factory.

Provided that any occupier may affix in his own tenement the notice with respect to the period of employment, times for meals, and system of employment of children, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice affixed by the owner.

(2) The provisions of this Act with respect to the power to make orders in the case of dangerous premises shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(3) In the case of any tenement factory or class of tenement factories used wholly or partly for the weaving of cotton cloth, the owner shall, if the Secretary of State by order so directs, be substituted for the occupier for the purpose of the requirements of section seven and section ninety-four of this Act or of any order of the Secretary of State with respect to ventilation.

(4) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of this Act, any summons, notice, or proceeding, which for the purpose of any of those provisions is by this Act required or authorised to be served on or taken in relation to the occupier, is hereby required or authorised (as the case may be) to be served on or taken in relation to the owner.

88.—REGULATIONS AS TO GRINDING OF CUTLERY IN TENEMENT FACTORY.—(1) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the Third Schedule to this Act.

(2) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such part of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3) In every tenement factory where grinding of cutlery is carried on, the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4) A tenement factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

(5) This section shall not apply to a textile factory.

89.—CERTIFICATE OF FITNESS IN TENEMENT FACTORY.—A certificate of the fitness

of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

(ii.) *Cotton Cloth and other Humid Factories.*

90.—Temperature and Humidity.—In every room, shed, or workshop, or part thereof, in which the weaving of cotton cloth is carried on (in this Act referred to as a "cotton cloth factory"), the following provisions shall have effect:

(1) The amount of moisture in the atmosphere must not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in column I. of the table in the Fourth Schedule to this Act opposite to such figure in column II. as represents the temperature existing in the cotton cloth factory at that time:

Provided that the temperature shall not at any time be raised by any artificial means whatsoever (except by gas used for lighting purposes only) above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere.

(2) The fact that one of the wet-bulb thermometers in the factory gives a higher reading than the figure shown in column III. of the said table opposite to such figure in column II. as represents the temperature existing in the factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit prescribed by this section.

91.—Power to Alter Table of Humidity.—The Secretary of State may by order repeal or vary the table in the Fourth Schedule to this Act, and substitute any new or amended table therefor:

Provided as follows:—

(*a*) The varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament is sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if the table is disapproved by either House of Parliament within forty days after having been so laid before Parliament, the table shall be void and of no effect:

(*b*) The table shall not come into operation until it has been laid before Parliament for forty days; but after the expiration of those forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the London Gazette, and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in that factory, and after the expiration of fourteen days from the first publication thereof in the London Gazette, the varied or substituted table shall be deemed to be the table in the Fourth Schedule to this Act.

92.—Employment of Thermometers.—(1) In every cotton cloth factory, for the purpose of recording the humidity of the atmosphere and the temperature, there must be provided, maintained, and kept in correct working order two sets of standardised wet and dry bulb thermometers.

(2) The following regulations shall be observed with reference to the employment of such thermometers:—

(*a*) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as is directed or sanctioned by an inspector, so as to be plainly visible to the workers;

(*b*) The occupier or manager or person for the time being in charge of the factory shall read the thermometers thrice in the day, namely, between seven and eight o'clock in the forenoon, between ten and eleven o'clock in the forenoon and between three and four o'clock in the afternoon, on every day on which any workers are employed in the factory, and shall record the readings of each thermometer at each of those times on a form provided for the purpose for each set of thermometers in accordance with the Form

of Record and the regulations contained in the Fourth Schedule to this Act;

(*c*) The form in which the readings of each thermometer are to be recorded must be kept hung up near the thermometers, and after being duly filled up, must be forwarded at the end of each month to the inspector of the district, and a copy must be kept at the factory for reference;

(*d*) There must be kept hanging up in a frame, and properly glazed, in a conspicuous position and near to each set of thermometers, a copy of the table set out in the Fourth Schedule to this Act;

(*e*) Each form shall be *prima facie* evidence of the humidity of the atmosphere and temperature in the factory in which the form was hung up.

93.—Notices and Inspections where Humidity is Artificially Produced.—(1) The occupier of every cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only) shall, at or before the time at which such artificial production of humidity is commenced, give notice thereof in writing to the chief inspector of factories.

(2) Every factory in respect of which any such notice has been given shall be visited by an inspector once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in the prescribed form.

(3) If at any time the occupier of any factory in respect of which any such notice has been given ceases to produce humidity by artificial means, he may give notice in writing of such cessation, and from the date of that notice, and so long as humidity is not artificially produced in the factory, the provisions of this section shall not apply to that factory.

94.—Regulations for the Protection of Health.—In every cotton cloth factory the following regulations for the protection of health shall have effect, viz:—

(1) The water used for the purpose of producing humidity shall either be taken from a public supply of drinking water or other source of pure water, or shall be effectively purified to the satisfaction of the inspector before being introduced in the form of steam into the factory, and all ducts for the introduction of humidified air shall be kept clean.

(2) The pipes used for the introduction of steam into a cotton cloth factory in which the temperature is seventy degrees Fahrenheit or over shall, so far as they are within the shed, be as small both in diameter and length as is reasonably practicable, and shall be effectively covered with non-conducting material to the satisfaction of the inspector, so as to minimise the amount of heat thrown off by them into the shed.

(3) In the case of a cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only), the arrangements for ventilation shall be such that during working hours in no part of the cotton cloth factory shall the proportion of carbonic acid (carbon dioxide) in the air be greater than nine volumes of carbonic acid to every ten thousand volumes of air.

(4) Unless some other method certified by the inspector to be equally satisfactory is adopted, the outside of the roof of every cotton cloth factory shall be whitewashed every year before the thirty-first day of May, and such whitewash shall be effectively maintained until the thirty-first day of August.

(5) In every cotton cloth factory erected after the second day of February one thousand eight hundred and ninety-eight a sufficient and suitable cloak room, or cloak rooms, shall be provided for the use of all the persons employed therein, and shall be ventilated and kept at a suitable temperature.

95.—Penalties for Non-compliance.—If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the foregoing provisions with regard to cotton cloth factories, the inspector shall give notice in writing to the occupier of the factory of the acts or omissions constituting the contravention or non-compliance, and if those acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after the notice has been given, the

occupier of the factory shall be liable, for the first offence to a fine not less than five pounds and not exceeding ten pounds, and for every subsequent offence to a fine not less than ten pounds and not exceeding twenty pounds.

96.—Application of Foregoing Provisions to other Humid Factories.—The foregoing provisions of this Act with respect to cotton cloth factories shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which regulations under Part IV. of this Act with respect to humidity are not for the time being in force, but subject to the following qualifications, namely:—

(*a*) The Secretary of State may by special order modify the provisions of the Fourth Schedule to this Act with respect to the maximum limits of humidity;

(*b*) The reading of the thermometer between seven and eight o'clock in the forenoon shall not be required; and

(*c*) Section ninety-four respecting regulations for the protection of health in cotton factories shall not apply; and

(*d*) The regulations in section ninety-two distinguished as (*b*), (*c*), (*d*), and (*e*) which are required to be observed with reference to the employment of thermometers shall not apply to cotton spinning mills.

(iii.) *Bakehouses.*

97.—Sanitary Regulations for Bakehouses.—(1) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with:—

(*a*) A watercloset, earthcloset, privy, or ashpit must not be within or communicate directly with the bakehouse;

(*b*) Every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a watercloset;

(*c*) A drain or pipe for carrying off fæcal or sewage matter must not have an opening within the bakehouse.

(2) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section, he shall be liable to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

98.—Penalty for Bakehouse being Unfit on Sanitary Grounds.—(1) Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a district council that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding, for the first offence, forty shillings, and for any subsequent offence five pounds.

(2) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named, or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

99.—Limewashing, Painting, and Washing of Bakehouses.—(1) All the inside walls of the rooms of a bakehouse, and all the ceiling or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; and

(*a*) where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every seven years, and must be washed with hot water and soap once at least in every six months; and

(*b*) where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

(2) A bakehouse in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

100.—Provision as to Sleeping Places near Bakehouses.—(1) A place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping place, unless it is constructed as follows; that is to say

(*a*) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

(*b*) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2) If any person lets or occupies, or continues to let or knowingly suffers to be occupied any place contrary to this section, he shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

101.—Prohibition of Underground Bakehouses.—(1) An underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of this Act.

(2) Subject to the foregoing provision, after the first day of January one thousand nine hundred and four, an underground bakehouse shall not be used unless certified by the district council to be suitable for that purpose.

(3) For the purpose of this section an underground bakehouse shall mean a bakehouse, any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room. The expression "baking room" means any room used for baking, or for any process incidental thereto.

(4) An underground bakehouse shall not be certified as suitable unless the district council is satisfied that it is suitable as regards construction, light, ventilation, and in all other respects.

(5) This section shall have effect as if it were included among the provisions relating to bakehouses which are referred to in section twenty-six of the Public Health (London) Act, 1891 (54 & 55 Vict. c. 76).

(6) If any place is used in contravention of this section, it shall be deemed to be a workshop not kept in conformity with this Act.

(7) In the event of the refusal of a certificate by the district council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction, and if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation, and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.

(8) Where any place has been let as a bakehouse, and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the occupier, determine the lease.

102.—Enforcement of Law as to Retail Bakehouses by Sanitary Authorities. —As respects every retail bakehouse, the provisions of this Part of this Act shall be enforced by the district council of the district in which the retail bakehouse is situate, and not by an inspector; and for the purposes of this section the medical officer of health of the district council shall have and may exercise all the powers of entry, inspection, taking legal proceedings and otherwise of an inspector.

In this section the expression "retail bakehouse" means any bakehouse or place, not being a factory, the bread, biscuits, or confectionery baked in which are sold, not wholesale, but by retail, in some shop or place occupied with the bakehouse.

(iv.) *Laundries.*

103.—Application of Act to Laundries.—(1) In every laundry carried on by way of trade, or for purposes of gain, the following provisions shall apply:—

(*a*) The period of employment, exclusive of meal hours and absence from work, shall not exceed, for women fourteen hours, for young persons twelve hours, and for children ten hours in any consecutive twenty-four hours; nor a total for women and young persons of sixty hours, and for children of thirty hours, in any one week, in addition to such overtime as may be allowed in the case of women;

(*b*) A woman, young person, or child must not be employed continuously for more than five hours without an interval of at least half an hour for a meal;

(*c*) Women, young persons, and children employed in the laundry shall have allowed to them the same holidays as are allowed to women, young persons, and children employed in a factory or workshop under this Act;

(*d*) So far as regards provisions with respect to health and safety, accidents, education of children, notice of occupation of a factory or workshop, the affixing of abstracts and notices and the matters to be specified in those notices (so far as they apply to laundries), powers of inspectors, fines, and legal proceedings for any failure to comply with the provisions of this section, this Act shall have effect as if every laundry in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop, and as if every occupier of a laundry were the occupier of a factory or of a workshop;

(*e*) The notice to be affixed in the laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day;

(*f*) The provisions of this Act prohibiting the employment of women within four weeks after childbirth, and of children under the age of twelve years, shall apply to the laundry in like manner as to a factory or workshop.

(2) Women employed in laundries may work overtime, subject to the following conditions, namely:—

(*a*) A woman must not work more than fourteen hours in any day; and

(*b*) The overtime worked must not exceed two hours in any day; and

(*c*) Overtime must not be worked on more than three days in any week or more than thirty days in any year; and

(*d*) The requirements of section sixty of this Act with respect to notices must be observed.

(3) In the case of every laundry worked by steam, water, or other mechanical power—

(*a*) a fan or other means of a proper construction must be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every washhouse in a laundry; and

(*b*) all stoves for heating irons must be sufficiently separated from any ironing-room, and gas irons emitting any noxious fumes must not be used; and

(*c*) the floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with this Act.

(4) Nothing in this section shall apply to any laundry in which the only persons employed are—

(*a*) inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any Act other than this Act; or

(*b*) inmates of an institution conducted in good faith for religious or charitable purposes; or

(*c*) members of the same family dwelling there,

or in which not more than two persons dwelling elsewhere are employed.

(v.) *Docks.*

104.—Application of Certain Provisions to Docks.—(1) The provisions of this Act with respect to—

(i) Power to make orders as to dangerous machines (section seventeen);
(ii) Accidents;
(iii) Regulations for dangerous trades;
(iv) Powers of inspectors (section one hundred and nineteen); and
(v) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if every dock, wharf, quay, and warehouse, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal were included in the word "factory," and the purpose for which the machinery or plant is used were a manufacturing process; and as if the person who by himself, his agents, or workmen, uses any such machinery or plant for the before-mentioned purpose were the occupier of the premises; and for the purpose of the enforcement of those provisions the person having the actual use or occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery or plant shall be deemed to be the occupier of a factory.

(2) For the purpose of this section the expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship, and the expressions "ship" and "harbour" have the same meaning as in the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60).

(vi.) *Buildings.*

105.—Application of Certain Provisions to Buildings.—(1) The provisions of this Act with respect to—

(i) Power to make orders as to dangerous machines (section seventeen);
(ii) Accidents;
(iii) Regulations for dangerous trades;
(iv) Powers of inspectors (section one hundred and nineteen); and
(v) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if any premises on which machinery work by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building were included in the word "factory," and the purpose for which the machinery is used were a manufacturing process, and as if the person who, by himself, his agents, or workmen, temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those provisions the person so using any such machinery shall be deemed to be the occupier of a factory.

(2) The provisions of this Act with respect to notice of accidents, and the formal investigation of accidents, shall have effect as if—

(*a*) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding; and
(*b*) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages,

were included in the word "factory," and as if, in the first case, the employer of the persons engaged in the construction or repair, and, in the second case, the occupier of the building, were the occupier of a factory.

(vii.) *Railways.*

106.—Application of Certain Provisions to Railway Sidings.—(1) Where any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900 (63 & 64 Vict. c. 27), is used in connexion with a factory or workshop, or with any place to which any of the provisions of this Act are applied, the provisions of this Act with respect to—

(i) Power to make orders as to dangerous machines (section seventeen);
(ii) Accidents;
(iii) Regulations for dangerous trades;

(iv) Powers of inspectors (section one hundred and nineteen); and

(v) Fines in case of death or injury (section one hundred and thirty-six),

shall have effect as if the line or siding were part of the factory or workshop.

(2) If any such line or siding is used in connexion with more than one factory or workshop belonging to different occupiers, the foregoing provisions shall have effect as if the line or siding were a separate factory.

Part VI.—Home Work.

107.—Lists of Outworkers to be kept in Certain Trades.—In the case of persons employed in such classes of work as may from time to time be specified by Special Order of the Secretary of State—

(1) The occupier of every factory and workshop and every contractor employed by any such occupier in the business of the factory or workshop shall—

(*a*) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons directly employed by him, either as workmen or as contractors, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed; and

(*b*) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require; and

(*c*) send on or before the first day of February and the first day of August in each year copies of those lists to the district council of the district in which the factory or workshop is situate.

(2) Every district council shall cause the lists received in pursuance of this section to be examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside its district to the council of the district in which his place of employment is.

(3) The lists kept by the occupier or contractor shall be open to inspection by any inspector under this Act, and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector under this Act.

(4) This section shall apply to any place from which any work is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.

(5) In the event of a contravention of this section by the occupier of a factory, workshop, or place, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings, and in the case of a second or subsequent offence, not exceeding five pounds.

108.—Employment of Person in Unwholesome Premises.—(1) If the district council within whose district is situate a place in which work is carried on for the purpose of or in connexion with the business of a factory or workshop give notice in writing to the occupier of the factory or workshop, or to any contractor employed by any such occupier, that that place is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable to a fine not exceeding ten pounds.

(2) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a workshop.

(3) This section shall not apply except in the case of persons employed in such classes of work as the Secretary of State may specify by Special Order.

109.—Making of Wearing Apparel where there is Scarlet Fever or Small-pox.—If the occupier of a factory or workshop or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel

to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding ten pounds.

110.—Prohibition of Home Work in Places where there is Infectious Disease.—(1) If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or workshop, or any other place from which work is given out, or on the contractor employed by any such occupier.

(2) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health, or that other reasonable precautions shall be adopted.

(3) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.

(4) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine not exceeding ten pounds.

(5) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by Special Order of the Secretary of State.

111.—Application of Act to Domestic Factories and Workshops.—The application of this Act to domestic factories and domestic workshops shall be subject to the following provisions:—

(1) The regulations with respect to the hours of employment of women, young persons, and children, shall not apply to any such factory or workshop, and in lieu thereof the following regulations shall be observed therein:—

(*a*) A young person or child shall not be employed in the factory or workshop except during the period of employment herein-after mentioned; and

(*b*) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and

(*c*) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half; and

(*d*) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and

(*e*) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days; and a child shall not be employed on Saturday in any week before the hour of one in the

afternoon if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and

(*f*) A child shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.

(2) The requirement as to making certain entries and reports when a woman, young person, or child, is employed in pursuance of an exception, shall not apply except so far as may be prescribed from time to time by the Secretary of State.

(3) The provisions of this Act with respect to certificates of fitness for employment shall apply to a domestic factory as if it were a workshop and not a factory.

(4) The following provisions shall not apply to a domestic factory or to a domestic workshop, namely :—

(*a*) the provisions as to meal hours being simultaneous, and as to prohibition of employment during meal times ;

(*b*) the provisions as to affixing notices and abstracts, and as to specifying certain matters in notices so affixed ;

(*c*) the provisions as to holidays ;

(*d*) the provisions as to notices of accidents ;

(*e*) the provisions as to means of ventilation, the drainage of floors, and thermometers ;

(*f*) the provisions as to the keeping of a general register.

(5) The provisions of section one of this Act (relating to the sanitary condition of a factory) shall not apply to a domestic factory.

112.—Dangerous Processes in Domestic Factories and Workshops.—If any manufacture, process, or description of manual labour, which in pursuance of this Act has been certified by the Secretary of State to be dangerous, is carried on in a domestic factory or workshop, all the provisions of this Act shall apply, as if the place were a factory or workshop other than a domestic factory or workshop.

113.—Abstracts for Domestic Factories and Workshops.—The Secretary of State shall give notice of the provisions of this Act relating to domestic factories and workshops by the publication of the prescribed abstract or otherwise as he thinks fit.

114.—Non-Application of Act to Certain Domestic Workshops.—(1) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the following handicrafts, namely—

(i) straw plaiting, or

(ii) pillow-lace making, or

(iii) glove making,

shall not of itself constitute the house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of the Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any of them, it is expedient to extend the provisions of this subsection to that handicraft, he may by special order extend the same accordingly. Part Two of this Act shall apply, so far as circumstances admit, as if the order were an order extending an exception.

(2) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to any of the following purposes, namely,—

(i) the making of any article or of part of any article ; or

(ii) the altering, repairing, ornamenting, or finishing of any article ; or

(iii) the adapting for sale of any article,

shall not of itself constitute that house or room a workshop, where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to the family.

115.—Definitions of "Domestic Factory" and "Domestic Workshop."—The expressions "domestic factory" and "domestic workshop" mean a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a

factory or a workshop, as the case may be, within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there.

Part VII.—Particulars of Work and Wages.

116.—Particulars of Work or Wages to be given to Piece Workers.—(1) In every textile factory the occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :—

(*a*) In the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver, shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible :

(*b*) In the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible :

(*c*) In the case of every other worker, the particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him ; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible :

(*d*) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him :

(*e*) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols :

(*f*) Where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller :

(*g*) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2) If the occupier fails to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction within two years from the last conviction for that offence not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3) If anyone engaged as a worker in a factory having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding ten pounds.

(5) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by Special Order, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case. He may also by any such order apply those provisions, subject to such modifications as may, in his opinion, be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons.

117.—Inspection of Weights and Measures used in Ascertaining Wages.—Every Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if the factory or workshop were a place where goods are kept for sale, and every such Act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines, used in the sale of goods.

Part VIII.—Administration.

(i.) *Inspection.*

118.—Appointment and Duties of Inspectors and Clerks and Servants.—(1) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix) and such clerks and servants as he thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

(2) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(3) Notice of the appointment of every inspector shall be published in the London Gazette.

(4) The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by the Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

(5) A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector.

(6) An inspector shall not be liable to serve in any parochial or municipal office.

(7) Such annual report of the proceedings of the inspectors as the Secretary of State directs shall be laid before both Houses of Parliament.

(8) A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

119.—Powers of Inspectors.—(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things; namely,—

(*a*) To enter, inspect, and examine at all reasonable times, by day and night, a factory and a workshop, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and

(*b*) To take with him in either case a constable into a factory or workshop in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and

(*c*) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and

(*d*) To make such examination and inquiry as may be necessary to ascertain whether the enactness for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and

(*e*) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and

(*f*) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and

(*g*) To exercise such other powers as may be necessary for carrying this Act into effect.

(2) The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to that factory or workshop.

(3) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or conceals or prevents, or attempts to conceal or prevent a woman, young person, or child, from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act:

Provided that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

(4) Where an inspector is obstructed in the execution of his duties under this Act the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, other than a domestic factory or a domestic workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night, twenty pounds; and where an inspector is so obstructed in a domestic factory or a domestic workshop, the occupier shall be liable to a fine not exceeding one pound, or where the offence is committed at night, five pounds; and in the case of a second or subsequent conviction under this section in relation to a factory within two years from the last conviction for the same offence, a fine not less than one pound shall be imposed for each offence.

120.—Right of Inspector to Conduct Proceedings before Magistrates.—An inspector, if so authorised in writing under the hand of the Secretary of State, may,

although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under this Act, or in the discharge of his duty as inspector.

121.—Certificate of Appointment of Inspector.—Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if so required, produce the said certificate to the occupier.

(ii.) *Certifying Surgeons.*

122.—Appointment and Duties of Certifying Surgeons.—(1) Subject to such regulations as may be made by the Secretary of State, an inspector may appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may revoke any such appointment.

(2) Every appointment and revocation of appointment of a certifying surgeon may be annulled by the Secretary of State upon appeal to him for that purpose.

(3) A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

(4) The Secretary of State may make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

(5) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child.

(6) Every certifying surgeon shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year and the results of the inspection.

123.—When Poor Law Medical Officer is to act as Certifying Surgeon.—Where there is no certifying surgeon for a factory or workshop, the poor law medical officer for the district in which the factory or workshop is situate shall act for the time being as the certifying surgeon for that factory or workshop.

124.—Fees of Certifying Surgeons.—(1) The fees to be paid to a certifying surgeon in respect of the examination of, and grant of certificates of fitness for employment for, young persons and children, shall be regulated as follows:—

(*a*) The occupier of the factory may agree with the certifying surgeon as to the amount of the fees;

(*b*) In the absence of agreement the fees shall be in accordance with the scale set forth in Part I. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State;

(*c*) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted, at the time at which the surgeon signs the certificates, or at any other time directed by an inspector.

(2) The fees to be paid to a certifying surgeon in cases where, in pursuance of a direction of the Secretary of State or of regulations made under this Act, he is required to examine the persons employed in a factory or workshop, shall be in accordance with the scale set forth in Part II. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State. Such fees shall, where the examination is in pursuance of a direction of the Secretary of State, be paid by the Secretary of State, and where the examination is in pursuance of regulations be paid by the occupier of the factory or workshop.

(3) The fee to be paid to a certifying surgeon for the investigation of an accident in pursuance of this Act shall be such sum, not more than ten nor less than three shillings, as the Secretary of State may prescribe, and shall be paid by the Secretary of State as expenses incurred in the execution of this Act.

(iii.) *Local Authorities.*

125.—Powers of Local Authorities and their Officers.—For the purpose of their duties with respect to workshops and workplaces under this Act, and under the

law relating to public health, the district council and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings, or otherwise, as an inspector under this Act.

(iv.) *Special Orders.*

126.—Provisions as to Special Orders of Secretary of State.—The following provisions shall apply to such orders made by the Secretary of State in pursuance of this Act as are in this Act referred to as Special Orders:—

(1) The order shall be under the hand of the Secretary of State and shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons concerned, and shall come into operation at the date of its publication, or at any later date mentioned in the order:

(2) The order may be temporary or permanent, conditional or unconditional, and whether granting or extending an exception or prohibition, or directing the adoption of any special means or provision, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly:

(3) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the order has been so laid before that House, resolves that the order ought to be annulled, it shall after the date of that resolution be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order:

(4) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the making of the order.

(v.) *Notices, Registers, and Returns.*

127.—Notice of Occupation of Factory or Workshop.—(1) Every person shall, within one month after he begins to occupy a factory or workshop, serve on the inspector for the district a written notice containing the name of the factory or workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the person or firm under which the business of the factory or workshop is to be carried on.

(2) In the event of a contravention of this section by the occupier of a factory or workshop, he shall be liable to a fine not exceeding five pounds.

(3) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the district council of the district in which the workshop is situate.

128.—Affixing of Abstract and Notices.—(1) There shall be affixed at the entrance of every factory and workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop—

(*a*) The prescribed abstract of this Act; and

(*b*) A notice of the name and address of the prescribed inspector; and

(*c*) A notice of the name and address of the certifying surgeon for the district; and

(*d*) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated; and

(*e*) Every notice and document required by this Act to be affixed in the factory or workshop.

(2) In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

129.—General Registers.—(1) In every factory and workshop there shall be kept a register, called the general register, showing in the prescribed form the prescribed particulars as to—

(*a*) the children and young persons employed in the factory or workshop; and
(*b*) the lime-washing of the factory or workshop; and
(*c*) every accident occurring in the factory or workshop of which notice is required to be sent to an inspector; and
(*d*) every special exception of which the occupier of the factory or workshop avails himself; and
(*e*) such other matters as may be prescribed.

(2) Where any entry is required by this Act to be made in the general register, the entry made by the occupier of a factory or workshop or on his behalf shall, as against him, be admissible as *prima facie* evidence of the facts therein stated, and the failure to make any entry so required with respect to the observance of any provision of this Act shall be admissible as *prima facie* evidence that that provision has not been observed.

(3) The register shall at all reasonable times be open to inspection by the certifying surgeon of the district.

(4) The occupier of a factory or workshop shall send to an inspector such extracts from the general register as the inspector from time to time requires for the execution of his duties under this Act.

(5) If in any factory or workshop any requirement of this section is not complied with, the occupier shall be liable to a fine not exceeding five pounds.

130.—Periodical Return of Persons Employed.—(1) The occupier of every factory or workshop shall, on or before such days as the Secretary of State may direct, at intervals of not less than one or more than three years, send to the Chief Inspector of Factories a correct return specifying with respect to such day or days, or such period as the Secretary of State may direct, the number of persons employed in the factory or workshop, with such particulars as to the age, sex, and occupation of the persons employed as the Secretary of State may direct, and in default of complying with this section shall be liable to a fine not exceeding ten pounds.

(2) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Secretary of State, make to the Chief Inspector of Factories a like return as is required to be made by this section, and shall be liable to a like fine for default in compliance with the requirement.

131.—Registers of Workshops.—Every district council shall keep a register of all workshops situate within their district.

132.—Report of Medical Officer of Health on Administration of Act.—The medical officer of health of every district council shall, in his annual report to them, report specifically on the administration of this Act in workshops and workplaces, and he shall send a copy of his annual report, or so much of it as deals with this subject, to the Secretary of State.

Miscellaneous Provisions.

133.—Notice by Medical Officer of Health of Employment of Woman, Young Person, or Child in Workshops.—Where any woman, young person, or child is employed in a workshop in which no abstract of this Act is affixed as by this Act required, and the medical officer of the district council becomes aware thereof, he shall forthwith give written notice thereof to the inspector for the district.

134.—Certificate of Birth in Case of Young Persons under 16 and Children.—Where the age of any young person, under the age of sixteen years, or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

Part IX.—Legal Proceedings.

135.—Fine for not Keeping Factory or Workshop in Conformity with Act.—(1) If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence.

(2) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act. The court may, on application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day on which the non-compliance continues.

136.—Fines in Case of Death or Injury.—If any person is killed, or dies, or suffers any bodily injury or injury to health, in consequence of the occupier of a factory or workshop having neglected to observe any provision of this Act or any regulation made in pursuance of this Act, the occupier of a factory or workshop shall be liable to a fine not exceeding one hundred pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence, and the whole or any part of the fine may be applied for the benefit of the injured person or his family, or otherwise as the Secretary of State determines:

Provided as follows—

(*a*) In the case of injury to health the occupier shall not be liable under this section unless the injury was caused directly by the neglect:

(*b*) The occupier shall not be liable to fine under this section if an information against him for not observing the provision or regulation to the breach of which the death or injury was attributable, has been heard and dismissed previous to the time when the death or injury was inflicted.

137.—Fine for Employing Persons Contrary to Act.—(1) Where any person is employed in a factory or workshop, other than a domestic factory or a domestic workshop, contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night five, pounds for each person so employed, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence; and where any person is so employed in a domestic factory or a domestic workshop the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night two, pounds for each person so employed, and, in the case of a second or subsequent conviction within two years from the last conviction in relation to a factory for the same offence, not less than one pound for each offence.

(2) If a woman, young person, or child is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals or absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop, or allowed to remain in any room, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

138.—Fine for Offence by Parent.—(1) If a young person or child is employed in a factory or workshop contrary to the provisions of this Act, the parent of the young person or child shall be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that the offence was committed without the consent, connivance, or wilful default of the parent.

(2) If the parent of a child neglects to cause the child to attend school in accordance with this Act, he shall be liable to a fine not exceeding twenty shillings for each offence.

139.—Forgery of Certificates, False Entries, and False Declarations.—If any person—

(*a*) forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided); or

(*b*) gives or signs any such certificate knowing the same to be false in any material particular; or

(*c*) knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid; or

(*d*) knowingly utters or makes use of as applying to any person a certificate which does not so apply; or

(*e*) personates any person named in a certificate; or

(*f*) falsely pretends to be an inspector; or

(*g*) wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid; or

(*h*) wilfully makes a false entry in any register, notice, certificate, or document, required by this Act to be kept or served or sent; or

(*i*) wilfully makes or signs a false declaration under this Act; or

(*j*) knowingly makes use of any such false entry or declaration,

he shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

140.—Fine on Person Actually Committing Offence for which Occupier is Liable.—Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine has in fact been committed by some agent, servant, workman, or other person, that agent, servant, workman, or other person shall be liable to the like fine as if he were the occupier.

141.—Power of Occupier to Exempt Himself from Fine on Conviction of the Actual Offender.—(1) Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court—

(*a*) that he has used due diligence to enforce the execution of this Act; and

(*b*) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

that other person shall be summarily convicted of the offence, and the occupier shall be exempt from any fine. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

(*a*) that the occupier of the factory or workshop has used all due diligence to enforce the execution of this Act; and

(*b*) by what person the offence has been committed; and

(*c*) that it has been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier of the factory or workshop.

142.—Owner of Machine Liable in Certain Cases instead of Occupier.—Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence against this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

143.—Limit to Cumulative Fines.—A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

(*a*) where the repetition of the offence occurs after an information has been laid for the previous offence; or

(*b*) where the offence is one of employing two or more persons, contrary to the provisions of this Act.

144.—Prosecution of Offences and Recovery and Application of Fines.—(1) All offences under this Act shall be prosecuted, and all fines under this Act shall be

recovered, on summary conviction, before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(2) A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(3) All fines imposed in pursuance of this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.

(4) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of the factory or workshop, and the father, son, or brother of the occupier of the factory or workshop, shall not be qualified to act as a member of the court.

(5) A person engaged in, or being an officer of any association of persons engaged in, the same trade or occupation as a person charged with any offence under this Act, shall not act as a justice of the peace in hearing and determining the charge.

145.—Appeal to Quarter Sessions.—If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom to quarter sessions.

146.—Limitation of Time and General Provisions as to Summary Proceedings.—The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :—

(1) The information shall be laid within three months after the date at which the offence comes to the knowledge of the inspector for the district within which the offence is charged to have been committed, or, in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it be not laid after the expiration of six months from the commission of the offence :

(2) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more :

(3) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop, or the title of the firm by which the occupier employing persons in the factory or workshop is usually known :

(4) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

147.—Evidence in Summary Proceedings.—(1) If a person is found in a factory or workshop, except at meal times, or while all the machinery of the factory or workshop is stopped, or for the sole purpose of bringing food to the persons employed in the factory or workshop between the hours of four and five o'clock in the afternoon, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop :

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory or workshop in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory or workshop within the meaning of this enactment ; and this enactment shall not apply to a domestic factory or workshop.

(2) Where a young person or child is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person or child is not of that age.

(3) A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

(4) A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of the conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, on

the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

148.—Service of Notices and Documents, &c.—Any notice, order, requisition, summons, and document, required or authorised to be served or sent for the purposes of this Act—

(*a*) may be served and sent by post, or by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or (where he is the owner of a factory or workshop) by delivering the same or a true copy thereof to his agent, or (where he is the occupier of a factory or workshop) by delivering the same or a true copy thereof to his agent or to some person in the factory or workshop; and

(*b*) Where it is required to be served on or sent to the occupier of a factory or workshop, shall be deemed to be properly addressed if addressed to the occupier of the factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

Part X.—Supplementary.

(i.) *Application and Definitions.*

149.—Factories and Workshops to which Act Applies.—(1) Subject to the provisions of this section, the following expressions have in this Act the meanings hereby assigned to them; that is to say:—

The expression "textile factory" means any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression "non-textile factories" means—

(*a*) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Sixth Schedule to this Act; and

(*b*) any premises or places named in Part Two of the said schedule wherein or within the close or curtilage or precincts of which steam, water, or other mechanical power is used in aid of the manufacturing process carried on there; and

(*c*) any premises wherein or within the close or curtilage or precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, namely—

(i) the making of any article or of part of any article; or

(ii) the altering, repairing, ornamenting, or finishing of any article; or

(iii) the adapting for sale of any article,

and wherein or within the close or curtilage of precincts of which steam, water, or other mechanical power is used in aid of the manufacturing process carried on there:

The expression "factory" means textile factory and non-textile factory, or either of those descriptions of factories.

The expression "tenement factory" means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories, and for the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building.

The expression "workshop" means—

(*a*) any premises or places named in Part Two of the Sixth Schedule to this Act, which are not a factory; and

(*b*) any premises, room, or place, not being a factory, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, namely—

(i) the making of any article or of part of any article; or

(ii) the altering, repairing, ornamenting, or finishing of any article; or

(iii) the adapting for sale of any article,

and to or over which premises, room, or place the employer of the persons working therein has the right of access or control.

The expression "workshop" includes a tenement workshop.

The expression "tenement workshop" means any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier.

(2) A part of a factory or workshop may, with the approval in writing of the chief inspector, be taken for the purposes of this Act to be a separate factory or workshop.

(3) A room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.

(4) Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that place shall not be deemed to form part of the factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

(5) A place of premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air.

(6) The exercise by any young person or child in any recognised efficient school, during a portion of the school hours, of any manual labour for the purpose of instructing the young person or child in any art or handicraft shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

150.—Application to Crown Factories and Workshops.—(1) This Act applies to factories and workshops belonging to the Crown; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named by him, exempt from this Act any factory or workshop belonging to the Crown, or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the order.

(2) A factory or workshop belonging to or in the occupation of the Crown shall not be excluded from the operation of this Act by reason only that it is not carried on by way of trade or for the purpose of gain.

(3) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory or workshop belonging to or in the occupation of the Crown, be exercised by an inspector under this Act.

151.—Power to Treat Separate Branches as Separate Factories or Workshops.—The Secretary of State may by Special Order direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of this Act, be treated as if they were different factories or workshops.

152.—Definition of Employment and Working for Hire.—(1) A woman, young person, or child, who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft

therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

(2) For the purposes of this Act an apprentice shall be deemed to work for hire.

153.—Application of Act to London.—(1) In the application to the administrative county of London of the section of this Act relating to the means of escape from fire, the London County Council shall take the place of the district council, and their expenses in the execution of that section shall be defrayed as part of their expenses in the management of the London Building Act, 1894 (57 & 58 Vict. c. ccxiii.).

(2) In the application to the administrative county of London of the section of this Act giving power to make bye-laws providing for means of escape from fire, the reference to a district council shall be construed as a reference to the London County Council.

(3) The power of the London County Council under section one hundred and sixty-four of the London Building Act, 1894, to make bye-laws with respect to the means of escape from fire in buildings exceeding sixty feet in height shall extend to all factories and workshops whether exceeding sixty feet in height or not.

(4) Subject as aforesaid, references in this Act to a district council and the district thereof shall, as regards the city of London, be construed as references to the court of common council and the city, and, as regards any other part of the administrative county of London, as references to the council of a metropolitan borough and the metropolitan borough.

154.—Application of Act to County Boroughs.—References in this Act to a district council and the district thereof shall be construed as including references to the council of a county borough and the county borough.

155.—Saving for Existing Powers of District Councils.—The powers conferred by this Act on district councils shall be in addition to, and not in substitution for, any other powers which they may possess.

156.—General Definitions.—(1) In this Act unless the context otherwise requires,—

The expression "bank holiday" means a holiday under the Holidays Extension Act, 1875 (38 & 39 Vict. c. 13):

"Child."—The expression "child" means a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance at school mentioned in Part III. of this Act:

"Machinery."—The expression "machinery" includes any driving strap or band:

"Mill-gearing."—The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process:

"Night."—The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning:

"Owner."—The expression "owner" has the meaning given to it by section four of the Public Health Act, 1875:

"Parent."—The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child:

"Prescribed."—The expression "prescribed" means prescribed for the time being by the Secretary of State:

"Process."—The expression "process" includes the use of any locomotive:

"Special Order."—The expression "Special Order" means an order which is subject to the provisions of section one hundred and twenty-six of this Act with regard to Special Orders of the Secretary of State:

"Week."—The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night:

"Woman."—The expression "woman" means a woman of the age of eighteen years and upwards:

"Young Person."—The expression "young person" means a person who has ceased to be a child and is under the age of eighteen years:

(2) For the purposes of this Act employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(3) The factories and workshops named in the Sixth Schedule to this Act are in this Act referred to by the names therein assigned to them.

(4) References in this Act to regulations made under this Act shall be construed as including references to special rules established or requirements made under any previous Act.

157.—Men's Workshops.—The following provisions of this Act shall not apply to men's workshops, that is to say, workshops conducted on the system of not employing any woman, young person, or child therein:—

(1) The sections in Part I. relating to temperature, thermometers, means of ventilation, drainage of floors, sanitary conveniences, opening of doors, power to make orders as to dangerous machinery, and inquests;
(2) Part II. and Part III.;
(3) The sections in Part IV. relating to fans and to lavatories and meals;
(4) Part VII.;
(5) The sections of Part VIII. relating to the affixing of abstracts and notices, and the keeping of a general register, and the first subsection of the section relating to periodical returns.

158.—Saving for Young Persons Employed in Repairs.—Nothing in this Act shall extend to any young person being a mechanic, artizan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop.

(ii.) *Application of Act to Scotland and Ireland.*

159.—Application of Act to Scotland.—In the application of this Act to Scotland—

(1) The expression "certified efficient school" means any public or other elementary school under Government inspection:
(2) The expression "district council" and the expression "district" used with reference to such council mean the local authority under the Public Health (Scotland) Act, 1897 (60 & 61 Vict. c. 38), and their district:
(3) The expression "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1897:
(4) The expression "poor law medical officer" means the medical officer appointed by the parish council:
(5) The expression "court of summary jurisdiction" means the sheriff of the county:
(6) The expression "Board of Education" means the Scotch Education Department:
(7) The provisions of this Act relating to certificates of proficiency or of due attendance shall not apply, but a child of the age of thirteen years, who has obtained exemption from the obligation to attend school in the manner prescribed by section three of the Education (Scotland) Act, 1901 (1 Edw. 7 c. 9), shall be deemed to be a young person for the purposes of this Act.
(8) The expression "county court" means the sheriff court:
(9) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette, either in addition or in substitution as the case may require.
(10) The expression "information" means petition or complaint:
(11) The expression "informant" means petitioner, pursuer, or complainer:
(12) The expression "defendant" means defender or respondent:
(13) The expression "clerk of the peace" means sheriff clerk:
(14) The expression "owner" has the meaning given to it by section three of the Public Health (Scotland) Act, 1897:
(15) The expression "inspector of nuisances" means sanitary inspector within the meaning of the Public Health (Scotland) Act, 1897:
(16) The expression "Births and Deaths Registration Acts, 1836 to 1874," means the Acts relating to the registration of births, deaths, and marriages in Scotland:

(17) The expression "Public Health Act, 1875," means the Public Health (Scotland) Act, 1897 (60 & 61 Vict. c. 38), and the Acts amending the same; and references to section ninety-one and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be construed respectively as references to section sixteen and sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897:

(18) The expenses incurred by a local authority under the provisions of this Act with respect to means of escape in case of fire shall be defrayed out of the public health general assessment levied under the Public Health (Scotland) Act, 1897:

(19) The expression "Local Government Board" means the Local Government Board for Scotland:

(20) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction (Scotland) Acts at the instance of the procurator fiscal or of any inspector:

(21) The court may make, and may alter or vary, summary orders under this Act on petition by the procurator fiscal or an inspector presented in common form:

(22) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months:

(23) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that the prosecution is brought at the instance of that inspector:

(24) Every person convicted of any offence under this Act shall be liable in the reasonable costs and charges of the conviction:

(25) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the King's and Lord Treasurer's Remembrancer on behalf of His Majesty's Exchequer, and shall be carried to the Consolidated Fund:

(26) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs:

(27) The provisions of this Act with respect to appeals to quarter sessions shall not apply, and any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Heritable Jurisdictions (Scotland) Act, 1746 (20 Geo. 2 c. 43.), or under any enactment amending that Act, or applying or incorporating its provisions or any of them with regard to appeals, or under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875 (38 & 39 Vict. c. 62).

160. Application of this Act to Ireland.—In the application of this Act to Ireland—

(1) The expression "certified efficient school" means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act:

(2) The expression "recognised efficient school" means a certified efficient school and any school which is recognised for the time being by an inspector under this Act as giving efficient elementary education:

(3) In the provisions of this Act relating to certificates of birth the Irish Education Act, 1892 (55 & 56 Vict. c. 42), shall be substituted for the Elementary Education Act, 1876, and a school attendance committee shall be substituted for a local authority:

(4) In the provisions of this Act relating to payment by occupiers of sums for schooling, the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1891, and a school grant shall be substituted for a fee grant:

(5) The expression "medical officer of health" includes a medical superintendent of health:

(6) The expression "poor law medical officer" means the medical officer of a dispensary district;

(7) Any act authorised to be done or consent required to be given by, or report required to be made to, the Board of Education under this Act shall be done and given by or to the Lord Lieutenant, acting by and with the advice of the Privy Council in Ireland:

(8) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836 (6 & 7 Will. 4 c. 13), sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions:

(9) Appeals from a court of summary jurisdiction shall lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Acts:

(10) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851 (14 & 15 Vict. c. 90), and any Act amending the same:

(11) The provisions of section one hundred and seven of the Public Health (Ireland) Act, 1878 (41 & 42 Vict. c. 52), with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, or workplace:

(12) The Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1878, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed:

(13) The Public Health (Ireland) Act, 1878 (41 & 42 Vict. c. 52), shall be substituted for the Public Health Act, 1875, and in particular sections two, one hundred and seven, and two hundred and nineteen to two hundred and twenty-three of the former Act shall be substituted for sections four, ninety-one, and one hundred and eighty-two to one hundred and eighty-six of the latter Act respectively:

(14) The expression "the Local Government Board" means the Local Government Board for Ireland:

(15) The expression "the Births and Deaths Registration Acts, 1836 to 1874," means the Births and Deaths Registration (Ireland) Acts, 1863 to 1880:

(16) All matters required by this Act to be published in the London Gazette shall, if they relate to Ireland, be published in the Dublin Gazette, either in addition or in substitution as the case may require.

(iii.) *Repeal, &c.*

161. Repeal of Acts.—The Acts specified in the Seventh Schedule to this Act are hereby repealed as from the dates and to the extent in that schedule mentioned:

Provided that—

(1) All notices affixed in a factory or workshop in pursuance of any enactment hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act; and

(2) All orders and all special rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act; and nothing in this Act shall be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force; and

(3) All inspectors, sub-inspectors, certifying surgeons, officers, clerks, and servants, appointed in pursuance of any enactment hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act; and

(4) All certificates of fitness for employment granted in pursuance of any enact-

ment hereby repealed shall have effect as if granted in pursuance of this Act, and all registers kept in pursuance of any enactment hereby repealed shall, until otherwise directed by the Secretary of State, be deemed to be the registers required by this Act.

162.—Commencement of Act.—This Act shall come into operation on the first day of January one thousand nine hundred and two.

163.—Short Title.—This Act may be cited as the Factory and Workshop Act, 1901.

SCHEDULES.

FIRST SCHEDULE.

Provisions as to Arbitrations. (Section 14.)

(1) The parties to the arbitration are in this schedule deemed to be the owner of the factory or workshop on the one hand, and the district council on the other hand.

(2) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(3) No person shall act as arbitrator or umpire who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

(4) The appointment of an arbitrator must be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and the appointment shall not be revoked without the consent of that party.

(5) The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

(6) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(7) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(8) In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

(9) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as has been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned.

(10) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

(11) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

(12) If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

(13) The decision of every umpire on the matters referred to him shall be final.

(14) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

(15) Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

(16) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they think it expedient to consult.

(17) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State, and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State, shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under this Act.

SECOND SCHEDULE.

FACTORIES AND WORKSHOPS IN WHICH OVERTIME IS ALLOWED. (Section 49.)

(1) Non-textile factories and workshops and parts thereof where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,—

(*a*) Flax scutch mills; and

(*b*) Any factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and

(*c*) The part of rope works in which is carried on the open-air process; and

(*d*) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey red dyeing; and

(*e*) Any factory or workshop or part thereof in which is carried on glue making; and

(2) Non-textile factories and workshops and parts thereof where press of work arises at certain recurring seasons of the year; namely,—

(*f*) Letterpress printing works; and

(*g*) Bookbinding works; and

any factory, workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

(*h*) Lithographic printing; or

(*i*) Machine ruling; or

(*k*) Firewood cutting; or

(*l*) Bon-bon and Christmas present making; or

(*m*) Almanac making; or

(*n*) Valentine making; or

(*o*) Envelope making; or

(*p*) Aërated water making; or

(*q*) Playing card making; and

(3) Non-textile factories and workshops and parts thereof where the business is liable to sudden press of orders arising from unforeseen events; namely, any factory or workshop or part thereof in which is carried on the manufacturing process or handicraft of—

(*r*) The making up of any article of wearing apparel; or

(*s*) The making up of furniture hangings; or

(*t*) Artificial flower making; or

(*u*) Fancy box making; or

(*v*) Biscuit making; or

(*w*) Job dyeing; and

(4) Any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

THIRD SCHEDULE.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY. (Section 88.)

(1) Boards to fence the shafting and pulleys, locally known as drum boards, must be provided and kept in proper repair.

(2) Hand rails must be fixed over the drums and kept in proper repair.

(3) Belt guards, locally known as scotchmen, must be provided and kept in proper repair.

(4) Every floor constructed on or after the first day of January one thousand eight hundred and ninety-six must be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences must be provided for facilitating such removal.

(5) Every grinding room or hull established on or after the first day of January one thousand eight hundred and ninety-six must be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs, and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6) The sides of all drums in every grinding room or hull must be closely fenced.

(7) Except in pursuance of a special exemption granted by the Secretary of State, a grindstone must not be run before any fire-place or in front of another grindstone.

(8) A grindstone erected on or after the first day of January one thousand eight hundred and ninety-six must not be run before any door or other entrance.

FOURTH SCHEDULE.

COTTON CLOTH FACTORIES.

TABLE.

MAXIMUM LIMITS OF HUMIDITY of the ATMOSPHERE at given TEMPERATURES. (Sections 90–92, 96.)

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. Saturation = 100.
1·9	35	33	80
2·0	36	34	82
2·1	37	35	83
2·2	38	36	83
2·3	39	37	84
2·4	40	38	84
2·5	41	39	84
2·6	42	40	85
2·7	43	41	84
2·8	44	42	84
2·9	45	43	85
3·1	46	44	86
3·2	47	45	86
3·3	48	46	86
3·4	49	47	86
3·5	50	48	86
3·6	51	49	86
3·8	52	50	86
3·9	53	51	86
4·1	54	52	86

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. Saturation = 100.
4·2	55	53	87
4·4	56	54	87
4·5	57	55	87
4·7	58	56	87
4·9	59	57	88
5·1	60	58	88
5·2	61	59	88
5·4	62	60	88
5·6	63	61	88
5·8	64	62	88
6·0	65	63	88
6·2	66	64	88
6·4	67	65	88
6·6	68	66	88
6·9	69	67	88
7·1	70	68	88
7·1	71	68·5	85·5
7·1	72	69	84
7·4	73	70	84
7·4	74	70·5	81·5
7·65	75	71·5	81·5
7·7	76	72	79
8·0	77	73	79
8·0	78	73·5	77
8·25	79	74·5	77·5
8·55	80	75·5	77·5
8·6	81	76	76
8·65	82	76·5	74
8·85	83	77·5	74
8·9	84	78	72
9·2	85	79	72
9·5	86	80	72
9·55	87	80·5	71
9·9	88	81·5	71
10·25	89	82·5	71
10·3	90	83	69
10·35	91	83·5	68
10·7	92	84·5	68
11·0	93	85·5	68
11·1	94	86	66
11·5	95	87	66
11·8	96	88	66
11·9	97	88·5	65·5
12·0	98	89	64
12·3	99	90	64
12·7	100	91	64

FORM OF RECORD.

FORM for recording the READINGS of the THERMOMETERS.

Name of Occupier.....
Address of Factory.....
Room { Number or Designation.....
Process carried on.....
Number of Operatives.....
Cubic contents.....cubic feet.

Date. Year..... Month and Day.	READINGS OF THERMOMETERS IN DEGREES FAHRENHEIT.						If no Artificial Humidity is produced in the 24 hours, insert in this column "None."
	Between 7 and 8 a.m.		Between 10 and 11 a.m.		Between 3 and 4 p.m.		
	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	
1							
2							
3							
4							
5							
6							
7							
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9							
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31							

(Signed).....

Occupier or Manager.

FIFTH SCHEDULE.

Fees of Certifying Surgeons. (Section 124.)

Part I.—Fees on Examination for Certificates of Fitness for Employment.

When the examination is at the factory or workshop.	2s. 6d. for each visit, and 6d. for each person after the first five examined at that visit; and also if the factory or workshop is more than one mile from the surgeon's residence, 6d. for each complete half mile over and above the mile.
When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and that place as well as the day and hour appointed for the purpose has been published in the prescribed manner .	6d. for each person examined.

Part II.—Fees on Examination by Direction of Secretary of State or in Pursuance of Regulations under this Act.

When the number of hands is under 10	2s. 6d. per visit.
„ „ „ „ 20	3s. „
„ „ „ „ 30	3s. 6d. „
„ „ „ „ 50	4s. „
„ „ „ „ 75	4s. 6d. „
„ „ „ „ 100	5s. „
„ „ „ over 100	7s. 6d. „

With the addition of 1s. for every mile or part of a mile in excess of one mile from the surgeon's residence.

SIXTH SCHEDULE.

List of Factories and Workshops. (Sections 54, 149, 156.)

Part I.—Non-Textile Factories.

(1) "Print Works."—"Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper;

(2) "Bleaching and Dyeing Works."—"Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on;

(3) "Earthenware Works."—"Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware or china of any description, except bricks and tiles not being ornamental tiles;

(4) "Lucifer-match Works."—"Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood;

(5) "Percussion-cap Works."—"Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps;

(6) "Cartridge Works."—"Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges;

(7) "Paper-staining Works."—"Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power;

(8) "Fustian-cutting Works."—"Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting;

(9) "Blast Furnaces."—"Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on;

(10) "Copper Mills."—"Copper mills";

(11) "Iron Mills."—"Iron mills," that is to say, any mill, forge, or other premises, in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel;

(12) "Foundries."—"Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work;

(13) "Metal and India-rubber Works."—"Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha;

(14) "Paper Mills."—"Paper mills," that is to say, any premises in which the manufacture of paper is carried on;

(15) "Glass Works."—"Glass works," that is to say, any premises in which the manufacture of glass is carried on;

(16) "Tobacco Factories."—"Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on;

(17) "Letter-Press Printing Works."—"Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on;

(18) "Bookbinding Works."—"Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on;

(19) "Flax Scutch Mills."—"Flax scutch mills";

(20) "Electrical Stations."—"Electrical stations," that is to say, any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade, or for the lighting of any street, public place, or public building, or of any hotel, or of any railway, mine, or other industrial undertaking.

Part II.—Non-Textile Factories and Workshops.

(21) "Hat Works."—"Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on;

(22) "Rope Works."—"Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power;

(23) "BAKEHOUSES."—"Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived;

(24) "LACE WAREHOUSES."—"Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as hereinbefore defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power;

(25) "SHIPBUILDING YARDS."—"Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation, are made, finished, or repaired;

(26) "QUARRIES."—"Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites or other minerals;

(27) "PITBANKS."—"Pitbanks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58), or the Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77), whether such place does or does not form part of the mine within the meaning of those Acts.

(28) Dry cleaning, carpet beating, and bottle washing works.

SEVENTH SCHEDULE.

PART I.—ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

(Section 161.)

Session and Chapter.	Title of Act.	Extent of Repeal.
41 & 42 Vict. c. 16	The Factory and Workshop Act, 1878.	The whole Act.
46 & 47 Vict. c. 53	The Factory and Workshop Act, 1883.	The whole Act.
52 & 53 Vict. c. 62	The Cotton Cloth Factories Act, 1889.	The whole Act.
54 & 55 Vict. c. 75	The Factory and Workshop Act, 1891.	The whole Act except sections eight, nine, ten, and twelve, and the First Schedule.
58 & 59 Vict. c. 37	The Factory and Workshop Act, 1895.	The whole Act except section twelve, subsection three of section twenty-four, and section twenty-eight.
60 & 61 Vict. c. 58	The Cotton Cloth Factories Act, 1897.	The whole Act.
63 & 64 Vict. c. 27	The Railway Employment (Prevention of Accidents) Act, 1900.	In subsection three of section thirteen the words "factory workshop or" wherever they occur, and the words "the occupier of the factory or workshop or."

PART II.—ENACTMENTS REPEALED FROM A DATE TO BE FIXED BY ORDER OF THE SECRETARY OF STATE.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 75	The Factory and Workshop Act, 1891.	Sections eight, nine, ten, and twelve, and the First Schedule.
58 & 59 Vict. c. 37	The Factory and Workshop Act, 1895.	Section twelve. Subsection three of section twenty-four. Section twenty-eight.

CHAPTER XXIII.

An Act for legalizing Marriages heretofore solemnized in certain Churches and Places. [17th August 1901.]

CHAPTER XXIV.

An Act to amend the Law in regard to the Sewerage and Drainage and Water Supply of Burghs in Scotland. [17th August 1901.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.

1.—Security for Sums Borrowed for Sewers, &c.—Where sums of money have been borrowed or are owing by the town council or commissioners of a burgh under any Act for purposes of sewerage and draining or water supply, the town council as the authority under the Burgh Police (Scotland) Act, 1892 (55 & 56 Vict. c. 55), (herein-after referred so as the principal Act), as amended by the Town Councils (Scotland) Act, 1900 (63 & 64 Vict. c. 49), shall provide the sums necessary for repaying the principal and paying the interest of such sums out of the assessments herein-after mentioned, and the said sums shall constitute a charge on the said assessments, and the creditors shall have all the powers, rights, and remedies at the passing of this Act exercisable by a lender of money on the security of the assessments originally assigned to them, and the said assessments herein-after mentioned shall be deemed to be assigned to such creditors in security of their debt.

2.—Sewer and Water Assessments.—In any burgh, or in any special or separate drainage district formed therein under any Act, the expense incurred either before or after the passing of this Act for sewerage and drainage or water supply, as the case may be, within the same, or for the purposes thereof, and the sums necessary for repayment of any money borrowed therefor either before or after the passing of this Act, together with the interest thereof, shall be paid out of a sewer assessment or water assessment, as the case may be, which the town council of the burgh shall raise and levy on and within such burgh or (in the case of the sewer assessment) within such special or separate district, in the same manner, and with the same remedies and modes of recovery and incidents, as are provided for the public health general assessment therein.

Provided that where a special or separate drainage district has been formed under the provisions of any act, and drainage works have been executed and are maintained therein, the lands and heritages situated within such special or separate district shall not be liable to assessment for the expense of sewerage and drainage works in other parts of the burgh: Provided also that for shops the water assessment shall be chargeable only on one-fourth of the rental of the premises, unless in special circumstances the town council see cause to charge the ordinary rates, and in that case it shall be lawful for any person who may think himself aggrieved to apply to the sheriff in the manner provided in the principal Act.

The sewer assessment and the water assessment together shall not in any burgh or special or separate drainage district exceed the rate of four shillings in the pound: Provided that if the produce of a rate of four shillings in the pound in any burgh or special or separate drainage district shall not be sufficient to meet the expenditure (including the annual charge for interest and repayment of debt) bonâ fide incurred or contemplated within such burgh or special or separate district, it shall be lawful to increase such rate to such extent as may have been approved of by the Local Government Board for Scotland.

Provided also, that it shall not be lawful to impose any rate in respect of the

expenditure within any special or separate drainage district upon any premises without such district.

3.—TRANSFERENCE OF SPECIAL DISTRICTS.—All special or separate drainage districts that may have been formed in any burgh under any Public Health Act shall, subject to the provisions of this Act, be deemed to be drainage districts under the principal Act, and any special or separate water supply districts which have been so formed shall cease to exist as such and shall be united to the other parts of the burgh for the purposes of water supply, and all rights and liabilities connected therewith: Provided that nothing herein contained shall affect any special water supply district partly within a county and partly within a burgh, or the provisions relating thereto of section eighty-one of the Local Government (Scotland) Act, 1889 (52 & 53 Vict. c. 50), as amended by section forty-four of the Local Government (Scotland) Act, 1894 (56 & 57 Vict. c. 73).

4.—AMENDMENT OF 55 & 56 VICT. C. 55.—(1) Section two hundred and thirty-three and section two hundred and thirty-six of the principal Act shall be read as if the sewer assessment hereinbefore mentioned were substituted for the sewer rates therein mentioned.

(2) Section two hundred and sixty-four of the principal Act shall be read as though for the words "portion of the burgh general assessment applicable to the water supply" the words "water assessment" were substituted.

(3) Section three hundred and forty-seven of the principal Act shall be read as though for the words "burgh general assessment so far as it is applicable to water" the words "water assessment" were substituted.

(4) Section three hundred and sixty-three of the principal Act shall be read and have effect as if for the words "said assessments" the words "sewer assessments" were substituted.

(5) Notwithstanding anything contained in section two hundred and sixty-nine of the principal Act, the provisions of that Act with respect to supply of water shall apply in the case of any burgh which is supplied with water by the town council thereof under the powers of any local Act or Acts.

5.—TOWN COUNCIL, &C., TO HAVE POWERS OF 60 & 61 VICT. C. 38.—The powers and duties of the town council of any burgh, as the authority under the principal Act, with reference to sewerage and drainage or water supply shall extend to the whole area of the burgh as existing for the purposes of the Public Health (Scotland) Act, 1897, and the town council of any burgh, as the authority under the principal Act, in addition to the powers conferred upon them by the principal Act, or any other Act, shall, with reference to sewerage and drainage or water supply within such area, have the same rights, powers, and privileges as are conferred by the Public Health (Scotland) Act, 1897, upon local authorities under that Act in districts other than burghs, with the exception of the rights, powers, and privileges, conferred by sections one hundred and twenty-two and one hundred and thirty-one of the last-mentioned Act to which sections the present section shall not apply, and in so far as necessary for giving effect to this enactment the last-mentioned Act and the Acts and parts of Acts incorporated therewith are, subject to the necessary modifications, incorporated with the principal Act.

Provided that all costs and charges incurred by the town council in the exercise of such rights, powers and privileges shall be provided for out of the sewer assessment or water assessment before mentioned, as the case may be, and that where it shall be necessary for the town council to borrow money for the purposes of sewerage and drainage or water supply they shall be entitled to do so on the security of the sewer assessment or water assessment herein-before mentioned in lieu of the assessments mentioned in the principal Act, or the Public Health (Scotland) Act, 1897, as the case may be.

PART II.

6.—AMENDMENT OF 60 & 61 VICT. C. 38.—(1) Section one hundred and forty-seven of the Public Health (Scotland) Act, 1897, shall be read as though the words "or in the Burgh Police (Scotland) Act, 1892," were inserted after the word "herein."

(2) Section two hundred and sixty-one of the principal Act shall be read and have effect as if for the words "for other purposes" the words "for these purposes" were substituted.

7.—Repeal.—The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column in so far as the same apply to burghs to which this Act applies from its commencement.

8.—Application of Act.—The term "burgh" in this Act has the meaning assigned to it in the principal Act, but Part I. of this Act shall not apply—

(1) to any burgh to which the principal Act does not apply;

(2) to any burgh in which at the passing of this Act a local Act (including an Act confirming a Provisional Order) is in force with respect to sewerage, drainage, or water supply;

Provided that it shall be in the power of the town council of any burgh to which Part I. of this Act does not apply from its commencement by resolution to adopt Part I. of this Act, and from and after the date specified in such resolution Part I. of this Act shall come into force in the burgh, and the Acts specified in the schedule to this Act shall in so far as the same apply to such burgh be deemed to be repealed to the extent mentioned in the third column thereof, and all local Acts (including as aforesaid) which apply exclusively to such burgh, so far as inconsistent with or dealing with the same matters as Part I. of this Act, shall also be repealed, which Acts or portions of Acts shall be specified in the resolution. Every such resolution shall be forthwith communicated to the Secretary for Scotland.

9.—Commencement of Act.—This Act shall come into operation on the fifteenth day of May, one thousand nine hundred and two, which date is herein called the commencement of this Act.

10.—Short Title and Extent.—This Act may be cited as the Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, and shall apply to Scotland only.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 55.	Burgh Police (Scotland) Act, 1892.	Section 227 from the words "and the Commissioners" to end of section. Section 232. Section 340 from "a rate equal to four shillings" to "otherwise at." Section 347 the words "in terms of this Act." Section 361. Section 362. Section 364.
60 & 61 Vict. c. 38.	Public Health (Scotland) Act, 1897.	Sections 101, 113, 133, 134, and 137.

CHAPTER XXV.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the purpose of paying off or redeeming Debentures of the Great Indian Peninsula Railway Company. [17th August 1901.]

CHAPTER XXVI.

An Act to amend the Law with respect to Districts for registration purposes and the appointment of Superintendent Registrars of Births and Deaths in certain Unions. [17th August 1901.]

CHAPTER XXVII.

AN ACT to prevent the Sale of Intoxicating Liquors to Children. [17th August 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—REPEAL OF 49 & 50 VICT. c. 56.—The Intoxicating Liquors (Sale to Children) Act, 1886, is hereby repealed.

2.—SALE OF LIQUORS TO CHILDREN TO BE ILLEGAL.—Every holder of a licence who knowingly sells or delivers, or allows any person to sell or deliver, save at the residence or working place of the purchaser, any description of intoxicating liquor to any person under the age of fourteen years for consumption by any person on or off the premises, excepting such intoxicating liquors as are sold or delivered in corked and sealed vessels in quantities not less than one reputed pint for consumption off the premises only, shall be liable to a penalty not exceeding forty shillings for the first offence, and not exceeding five pounds for any subsequent offence; and every person who knowingly sends any person under the age of fourteen years to any place where intoxicating liquors are sold, or delivered, or distributed, for the purpose of obtaining any description of intoxicating liquor, excepting as aforesaid, for consumption by any person on or off the premises, shall be liable to like penalties.

3.—MESSENGERS OF LICENSEES.—Nothing in this Act shall prevent the employment by a licensed person of a member of his family or his servant or apprentice as a messenger to deliver intoxicating liquors.

4.—PROVISIONS FOR LEGAL PROCEEDINGS UNDER ACT.—For the purposes of all legal proceedings under this Act, this Act shall be construed, in England, as one with the Licensing Acts, 1872–1874; in Scotland, as one with the Licensing (Scotland) Acts, 1828 to 1897; and in Ireland, as one with the Licensing (Ireland) Acts, 1833–1900.

5.—DEFINITIONS.—The term "corked" means closed with a plug or stopper, whether it is made of cork or wood, or glass, or some other material.

The expression "sealed" means secured with any substance without the destruction of which the cork, plug, or stopper cannot be withdrawn.

6.—SHORT TITLE.—This Act may be cited for all purposes as the Intoxicating Liquors (Sale to Children) Act, 1901.

7.—COMMENCEMENT OF ACT.—This Act shall come into operation on the first day of January one thousand nine hundred and two.

CHAPTER XXVIII.

AN ACT to amend sections fifty-four, fifty-six, fifty-seven, and seventy-one of the Local Government (Ireland) Act, 1898, and to make provision with respect to the making of rates in certain urban districts in Ireland. [17th August 1901.]

CHAPTER XXIX.

AN ACT to confirm certain Acts of Colonial Legislatures. [17th August 1901.]

CHAPTER XXX.

AN ACT to extend the Purchase of Land (Ireland) Amendment Act, 1889. [17th August 1901.]

CHAPTER XXXI.

AN ACT to provide for the Construction and Working of a Submarine Cable from the Island of Vancouver to New Zealand and to Queensland. [17th August 1901.]

CHAPTER XXXII.

AN ACT to amend the Law with respect to Customs Duties in the Isle of Man. [17th August 1901.]

CHAPTER XXXIII.

AN ACT to continue various Expiring Laws. [17th August 1901.]

WHEREAS the Acts mentioned in Part I. of the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December one thousand nine hundred and one:

And whereas the Act mentioned in Part II. of the schedule to this Act is, to the extent aforesaid, limited to expire on the thirty-first day of March one thousand nine hundred and two:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—CONTINUANCE OF ACTS IN SCHEDULE.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December one thousand nine hundred and two, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the schedule to this Act or not.

2.—SHORT TITLE.—This Act may be cited as the Expiring Laws Continuance Act, 1901.

SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 5 & 6 Will. 4. c. 27.	The Linen Manufactures (Ireland) Act, 1835.	The whole Act.	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2.) 3 & 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	——
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act.	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 & 22 Vict. c. 50	——
(5.) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act.	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(6.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(7.) 23 & 24 Vict. c. 19.	The Labourers (Ireland) Act, 1860.	The whole Act.	——
(8.) 24 & 25 Vict. c. 109.	The Salmon Fishery Act, 1861.	As to the appointment of inspectors, s. 31.	49 & 50 Vict. c. 39, s. 3. 55 & 56 Vict. c. 50.
(9.) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act.	45 & 46 Vict. c. 61.
(10.) 27 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	——
(11.) 28 & 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act.	45 & 46 Vict. c. 49.
(12.) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act.	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(13.) 29 & 30 Vict. c. 52.	The Prosecutions Expenses Act, 1866.	The whole Act.	——
(14.) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(15.) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act.	34 & 35 Vict. c. 61.
(16.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(17.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——
(18.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872.	The whole Act.	45 & 46 Vict. c. 50 (Municipal Elections).
(19.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act.	46 & 47 Vict. c. 51, s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(20.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37, s. 69.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(21.) 41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878.	The whole Act.	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(22.) 41 & 42 Vict. c. 72.	The Sale of Liquors on Sunday (Ireland) Act, 1878.	The whole Act.	——
(23.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act.	46 & 47 Vict. c. 51.
(24.) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act.	——
(25.) 44 & 45 Vict. c. 5.	The Peace Preservation (Ireland) Act, 1881.	The whole Act.	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 20.
(26.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act.	58 & 59 Vict. c. 40.
(27.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act.	56 & 57 Vict. c. 73.
(28.) 49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(29.) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	——
(30.) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(31.) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(32.) 59 Vict. c. 1.	The Local Government (Elections) Act, 1896.	The whole Act.	——
(33.) 59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	As to the powers of the Light Railway Commissioners.	——

PART II.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.

CHAPTER XXXIV.

AN ACT to amend the Congested Districts Board (Ireland) Acts. [17th August 1901.]

PUBLIC WORKS LOANS ACT, 1901.

[1 EDW. 7, CH. 35.]

ARRANGEMENT OF SECTIONS.

Section.
1. Grants for public works.
2. Certain debts not to be reckoned as assets of local loans fund.
3. Remission of certain claims against Eyemouth harbour trustees.
4. Remission of certain loans and penalties under 54 Vict. c. 1 and 58 Vict. c. 2.
5. Remission of balance of loan under 29 & 30 Vict. c. 44.
6. Short title.
SCHEDULE.

CHAPTER XXXV.

AN ACT to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [17th August 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—GRANTS FOR PUBLIC WORKS.—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely:—

(*a*) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of seven million pounds;

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of eight hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887 (50 & 51 Vict. c. 16).

2.—CERTAIN DEBTS NOT TO BE RECKONED AS ASSETS OF LOCAL LOANS FUND.—Whereas it is expedient that the principal of the several local loans specified in the schedule to this Act should, to the extent specified in the last column of that schedule, not to be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887 (50 & 51 Vict. c. 16); therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

3.—REMISSION OF CERTAIN CLAIMS AGAINST EYEMOUTH HARBOUR TRUSTEES.—(1) Whereas in the years one thousand eight hundred and eighty-five and one thousand

eight hundred and eighty-six the sum of twenty-five thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth harbour trustees on the security of the harbour revenues with the collateral security of a charge on the police rate of the burgh of Eyemouth, and the principal sum outstanding in respect of the loan is twenty-four thousand eight hundred and fifty-two pounds eight shillings and twopence; and it has been arranged by the Public Works Loan Commissioners, with the consent of the Treasury, that the sum of one thousand five hundred pounds should be received in full satisfaction of the claim of the Commissioners in respect of the said loan;

Therefore the said arrangement is hereby confirmed, and on payment of the said sum of one thousand five hundred pounds the balance, namely, twenty-three thousand three hundred and fifty-two pounds eight shillings and twopence, shall be deemed a free grant from Parliament.

(2) Whereas pursuant to an agreement made in the year one thousand eight hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth harbour trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland; and it has been arranged by the Public Works Loan Commissioners, with the consent of the Treasury, that, on payment of the sum of five hundred pounds to the Fishery Board for Scotland, the Eyemouth harbour trustees should be released from their liability in respect of the said loan of ten thousand pounds, without prejudice to the liability of the Fishery Board for Scotland to repay that loan;

Therefore the said arrangement is hereby confirmed, and on payment of the said sum of five hundred pounds the liability of the Eyemouth harbour trustees in respect of the said loan shall be extinguished.

4.—Remission of Certain Loans and Penalties under 54 Vict. c. 1 and 58 Vict. c. 2.—(1) Whereas under the Seed Potatoes Supply (Ireland) Act, 1890, the Commissioners of Public Works in Ireland have advanced to the board of guardians of the poor law union of Belmullet the sum of three thousand eight hundred and fifty-three pounds seven shillings, and the board of guardians have repaid the sum of three thousand and eighty-seven pounds nine shillings and fivepence, and it is expedient, regard being had to the circumstances of the case, that repayment should not be required of the debt still outstanding, amounting to seven hundred and sixty-five pounds seventeen shillings and sevenpence;

Therefore the said debt shall be extinguished and the amount thereof shall be deemed a free grant from Parliament.

(2) Whereas the unions of Swineford and Belmullet, in the county of Mayo, by not repaying when due the instalments of certain loans made to them under the Seed Potatoes Supply (Ireland) Act, 1895 (58 Vict. c. 2), became liable to pay receiver's fees to the amount of forty-one pounds sixteen shillings, and sixteen pounds ten shillings and twopence respectively, and interest to the amount of one hundred and twelve pounds four shillings and sevenpence, and sixty-two pounds eleven shillings and eightpence respectively, amounting altogether to two hundred and thirty-three pounds two shillings and fivepence; and it is expedient to remit the said sum;

Therefore the said sum is hereby remitted.

5.—Remission of Balance of Loan under 29 & 30 Vict. c. 44.—Whereas under the Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866; in the year one thousand eight hundred and eighty, the sum of one thousand five hundred pounds was advanced to Gerard Irvine, and the sum of one thousand two hundred and eighty-six pounds five shillings and sevenpence has been repaid in respect of the said loan, and it is expedient, regard being had to the circumstances of the case, that repayment should not be required of the debt still outstanding, amounting to two hundred and thirteen pounds fourteen shillings and fivepence;

Therefore the said debt shall be extinguished, and the amount thereof shall be deemed a free grant from Parliament.

6.—Short Title.—This Act may be cited as the Public Works Loans Act, 1901.

SCHEDULE.

PART I.

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS.

LOAN UNDER THE HARBOURS AND PASSING TOLLS, &C., ACT, 1861 (24 & 25 VICT. C. 47).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
Eyemouth Harbour Trustees . . .	25,000 0 0	23,352 8 2

PART II.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

(1.) LOANS UNDER THE LANDED PROPERTY IMPROVEMENT (IRELAND) ACT, 1847 (10 VICT. C. 32).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
Denis Scanlon	20 0 0	2 8 8
Patrick Moran	100 0 0	88 8 9
Sundry items	—	23 0 9
	120 0 0	113 18 2

(2.) LOANS UNDER THE LAND LAW (IRELAND) ACT, 1881 (44 & 45 VICT. C. 49, S. 31).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
James McIntyre	45 0 0	23 3 10
Michael Higgins	59 0 0	30 12 3
Wm. Johnston	100 0 0	57 17 1
Chas. Lynch	30 0 0	26 18 7
Ditto	100 0 0	74 19 7
Timothy Scanlon	80 0 0	49 15 0
Thomas Kennedy	16 0 0	13 18 6
Patrick Treacy	40 0 0	35 19 3
Wm. Goggin	100 0 0	87 10 4
Patrick Flynn	24 0 0	10 2 8
James H. Mulcahy	150 0 0	145 6 6
	744 0 0	556 3 7

(3.) Loan under the Seed Potatoes Supply (Ireland) Act, 1890 (54 Vict. c. 1).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
Guardians of Belmullet Union . . .	£ s. d. 3,853 7 0	£ s. d. 765 17 7

(4.) Loan under the Labouring Classes Lodging Houses and Dwellngs Act (Ireland), 1866 (29 & 30 Vict. c. 44).

Name of Borrower.	Amount Advanced.	Amount to be Written off.
Gerard Irvine	£ s. d. 1,500 0 0	£ s. d. 213 14 5

Part III.

LOANS BY THE FISHERY BOARD FOR SCOTLAND.

Loans under the Crofters Holdings (Scotland) Act, 1886 (49 & 50 Vict. c. 29).

Names and Addresses of Borrowers.	Fishery District.	Amount of Loan.	Amount to be Written off.
James McRae, Golspie . . .	Helmsdale .	£. s. d. 90 0 0	£ s. d. 31 18 4
Andrew McRae, ,, . . .			
James McRae, jun., Golspie . .			
Alexr. McRae, ,, . .			
Geo. McDonald, "Charlie," Brora . .	,, .	275 0 0	52 5 2
John McDonald, "Charlie," Brora .			
Donald McDonald, "Charlie," Brora .			
Jas. Miller, Pulteney, Wick . .	Wick . .	102 0 0	22 8 11
Robert Bruce, ,, ,, . .			
Donald Budge, Keiss, Wick . .			
Henry Budge, ,, ,, . .	,, . .	125 0 0	32 1 0
		592 0 0	138 13 5

CHAPTER XXXVI.

An Act to provide for the Payment of another of the Light Railway Commissioners.

[17th August 1901.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—Payment of Salary to a Second Commissioner.—In addition to the salary directed to be paid by subsection four of section one of the Light Railways Act, 1896 (59 & 60 Vict. c. 48), there shall be paid to another of those Commissioners such

salary as the Treasury direct, not exceeding one thousand pounds a year, and subsection six of section one of that Act shall apply to any salary so paid.

2.—Short Title.—This Act may be cited as the Light Railway Commissioners (Salaries) Act, 1901.

CHAPTER XXXVII.

An Act to make provision with respect to Valuation Lists and Rates in cases of a re-valuation under Section Sixty-five of the Local Government (Ireland) Act, 1898. [17th August 1901.]

CHAPTER XXXVIII.

An Act to amend the Steam Trawling (Ireland) Act, 1889. [17th August 1901.]

CHAPTER XXXIX.

An Act to make further provision for the Construction of Works in the United Kingdom and elsewhere for the purposes of the Royal Navy. [17th August 1901.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Issue of Money for Works Mentioned in Schedule.—(1) In addition to any sum authorised to be issued under any other Act, the Treasury shall issue out of the Consolidated Fund or the growing produce thereof such sums, not exceeding in the whole six million one hundred and fifty-seven thousand pounds, as may be required by the Admiralty for defraying the cost of the works specified in the schedule to this Act, subject to the terms and conditions in sections three and five of the Naval Works Act, 1896 (59 & 60 Vict. c. 6), and those sections and section five of the Naval Works Act, 1895 (58 & 59 Vict. c. 35) (which relates to the mode in which money may be raised), shall be construed as if they were herein re-enacted and in terms made applicable to this Act.

(2) The Treasury may borrow under the said section five of the Naval Works Act, 1895, any sums which have been issued out of the Consolidated Fund for the purpose of the Naval Works Act, 1896, or the Naval Works Act, 1897 (60 & 61 Vict. c. 35), and which the surplus set aside under section four of the Naval Works Act, 1896, was not sufficient to pay.

(3) The Bank of England may lend any money which the Treasury are authorised to raise under this Act.

2.—Short Title.—This Act may be cited as the Naval Works Act, 1901.

SCHEDULE.

Heads of Proposed Expenditure.

Works.	Total Estimated Cost, 1901.	Expenditure to 31st March 1900.	Estimated Expenditure from 1st April 1900 to 31st March 1901.	Estimated Expenditure for the Financial Years 1901-1902 and 1902-1903.	Expected Date of Completion.
1.	2.	3.	4.	5.	6.
(a) *Enclosure and Defence of Harbours.*	£	£	£	£	
Gibraltar	1,239,000	765,541	179,843	213,000	1902–3
Gibraltar, Commercial Mole	*669,000	65,734	73,954	300,000	1903–4
Portland	†650,000	310,644	82,767	150,000	1903–4
Dover	3,500,000	275,073	298,017	700,000	1907–8
Malta Breakwater	1,000,000	...	...	50,000	1907–8
(b) *Adapting Naval Ports to present Needs of Fleet.*					
Deepening harbours and approaches	‡§1,100,000	703,236	32,185	350,000	...
Keyham Dockyard extension	4,175,000	865,830	432,783	1,052,000	1905–6
Portsmouth Docks	372,502	372,502	...	...	Completed.
Gibraltar Dockyard extension	2,674,000	390,808	198,584	470,000	1904–5
Hong Kong Dockyard extension	1,275,500	62,694	27,822	150,000	1904–5
Colombo Dock	159,000	15,000	21,000	72,000	1903–4
Pembroke Jetty, &c.	130,000	40,034	25,505	62,200	1903–4
Portsmouth, widening caisson	40,469	38,052	2,417	...	Completed.
Haulbowline improvements	63,000	48,512	9,174	5,314	1901–2
Chatham, dock	450,000	224	14,328	190,000	1903–4
Malta Dockyard extension	1,250,000	13,453	73,039	450,000	1907–8
Bermuda Dockyard extension	700,000	535	125,692	300,000	1906–7
Simon's Bay Dockyard extension, &c.	‖2,500,000	28,525	6,475	200,000	1907–8

* The total estimated cost of the Commercial Mole is 70,000*l.*, including 31,000*l.* for superintendence under item (*d*). Four sevenths of this sum is to be repaid by the colony of Gibraltar in the form of an annuity of 14,000*l.* per annum for 57 years from the opening of the Mole, to be credited as an appropriation in aid of Navy Vote 10.

† An expenditure of 40,543*l.* was incurred during 1893-4 and 1894-5 in erecting dolphins on the line of the breakwater, and was charged to Vote 10 in those years. This is in addition to the estimate of 650,000*l.*

‡ Exclusive of the cost of dredging plant purchased prior to 31st March 1895.

‖ An expenditure estimated at 8,300*l.* was incurred during 1896-7 to 1898-9 on the preliminary survey for this work, and was charged to Vote 10 in those years. This is in addition to the estimate of 2,500,000*l.*

HEADS OF PROPOSED EXPENDITURE—*continued.*

Works.	Total Estimated Cost, 1901.	Expenditure to 31st March 1900.	Estimated Expenditure from 1st April 1900 to 31st March 1901.	Estimated Expenditure for the Financial Years 1901-1902 and 1902-1903.	Expected Date of Completion.
1.	2.	3.	4.	5.	6.
	£	£	£	£	
Coaling facilities . . .	*1 000,000	...	...	500,000	1905–6
(c) *Naval Barracks, &c.*					
Chatham Naval Barracks . .	445,000	188,669	123,913	120,000	1902–3
†Naval Barracks for Medway Gunnery School	220,000	1,057	...	50,000	1905–6
Portsmouth Naval Barracks . .	670,400	237,600	94,974	235,000	1903–4
Keyham Naval Barracks . .	230,000	65,231	50,687	57,000	1903–4
Chatham Naval Hospital . .	379,000	42,680	44,650	170,000	1903–4
Walmer Marine Depôt . . .	17,658	17,658	...	...	Completed.
Keyham Engineers' College . .	23,298	23,298	...	...	Completed.
"Britannia" R.N. College . .	315,000	62,335	34,875	100,000	1904–5
Magazines	870,000	221,891	138,186	309,332	1904–5
Haslar Hospital Extension . .	68,500	26,750	29,596	12,154	1901–2
Haulbowline Zymotic Hospital . .	12,463	11,626	837	...	Completed.
(d) *Superintendence and Miscellaneous Charges*	1,303,074	182,015	72,310	224,000	...
	27,501,864	5,077,207	2,193,613	6,492,000	...
Total of columns 3, 4, and 5			£13,762,820‡		

* It may become necessary to ask the sanction of Parliament to an increase of the total estimated cost of these items in a subsequent Bill, but without Parliamentary approval no works will be undertaken, or scheme partially completed, which will involve a liability beyond the sum named.

† This item was formerly described as "Sheerness Naval Barracks."

	£	£
‡ Total estimated expenditure to 31st March 1903		13,762,820
Expenditure already authorised, viz.:—		
Out of Navy Votes (8 and 10) prior to inclusion of works in Loan Acts	241,820	
By Act of 1895 (1,000,000*l.* less 140,000*l.* lapsed) . . .	860,000	
By Act of 1896	2,750,000	
By Act of 1897	654,000	
By Act of 1899	3,100,000	
		7,605,820
Further expenditure to be authorised by this Act		6,157,000

CHAPTER XL.

AN ACT to make further Provision for Defraying the Expenses of certain Military Works and other Military Services. [17th August 1901.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1.—FURTHER GRANT FOR MILITARY WORKS.—(1) The Treasury shall issue out of the Consolidated Fund or the growing produce thereof, in addition to the sums authorised by the Military Works Acts, 1897 and 1899 (60 & 61 Vict. c. 7), such further sums not exceeding in the whole six million three hundred and fifty-two thousand five hundred pounds as may be required by a Secretary of State for defraying the cost of the works mentioned in the schedule to this Act, and subsections two and three of section one of the Military Works Act, 1897 (62 & 63 Vict. c. 41) (which relate to control over expenditure), and section two of that Act (which relates to the mode in which money may be raised), shall apply with respect to the sums authorised by this Act to be issued, as if those provisions were herein re-enacted, and in terms made applicable to this Act.

(2) The Bank of England may lend any money which the Treasury are authorised to raise under this Act.

2.—SHORT TITLE.—This Act may be cited as the Military Works Act, 1901.

[SCHEDULE.]

SCHEDULE.

Military Works.*

Heads.		Sums provided in Military Works Act, 1897.	Sums provided in Military Works Act, 1899.	Sums provided in Military Works Act, 1901.	Total Provision.
		£	£	£	£
1. Defence works, ...		1,120,000	1,000,000	750,000	2,870,000
2. Barracks, including provision of new barracks, in consequence of recent additions to the army, and improvements to existing barracks :—					
(*a*) New barracks for cavalry, artillery, and infantry at Salisbury Plain	£ 460,000				
(*b*) New barracks for cavalry, artillery, and infantry in the Scottish District . . .	380,000				
(*c*) New Depots and additions to Depot Barracks for artillery and infantry at :—					
Caterham	£ 50,000				
Clonme	15,000				
Durham	80,000				
Mill Hill	55,000				
Winchester	35,000				
Worcester	35,000	270,000			
(*d*) Additions to provide additional accommodation and improvements at :—					
Ballincollig	£ 20,000				
Belfast	45,000				
Dublin	45,000				
Dundalk	10,000				
Falmouth	28,000				
Fermoy	26,000				
Landguard	8,500				
Holywood	5,000				
Isle of Wight	10,000				
Kilkenny	30,000				
Leith	10,000				
London	40,000				
Netley Pathological Institute	40,000				
Pembroke Dock . . .	33,000				
Preston	16,000				
Weedon	5,000				
Windsor	80,000				
Woking	24,000				
Addition to sundry artillery barracks	10,000	485,500			
Carried forward for barracks .		£1,595,500			

* These works are partly new works and partly works which have been commenced and not completed under the Military Works Acts, 1897 and 1899.

No building is to be undertaken which cannot be completed within the 6,352,500*l.* granted under this Act.

Heads.			Sums provided in Military Works Act, 1897.	Sums provided in Military Works Act, 1899.	Sums provided in Military Works Act, 1901.	Total Provision.
	£	£	£	£	£	£
Brought forward for barracks		£1,595,500				
(*e*) Completion of wooden hutments at Aldershot, Kildare, Lichfield, Salisbury Plain, and Shorncliffe		1,187,000				
(*f*) Provision of accommodation for additional troops, and continuation of reconstruction of the large camps at:—						
Aldershot	275,000					
Colchester	260,000					
Curragh	110,000					
Shorncliffe	52,000					
		697,000				
(*g*) Provision of new married soldiers' quarters at sundry stations		100,000				
(*h*) Purchase of land for barracks		120,000				
2. Barracks for foreign stations:						
Bermuda	84,000					
Egypt	164,000					
Esquimalt	20,000					
Gibraltar	30,000					
Hong Kong	60,000					
Jamaica	10,000					
Malta	30,000					
Mauritius	40,000					
Singapore	50,000					
Freight and local transport of stores	20,000					
		508,000				
		4,207,500	2,989,000	2,770,000	4,207,500	9,966,500
3. Ranges:—						
(*a*) Artillery and rifle ranges and training grounds	£	540,000				
(*b*) Mobilization and store rooms		590,000				
		1,130,000	*1,149,000	40,000	*1,130,000	2,319,000
4. Staff and contingencies			200,000	190,000	265,000	655,000

TOTALS.

1. Defence works	1,120,000	1,000,000	750,000	2,870,000
2. Barracks	2,989,000	2,770,000	4,207,500	9,966,500
3. Ranges	1,149,000	40,000	1,130,000	2,319,000
4. Staff and contingencies	200,000	190,000	265,000	655,000
Total	5,458,000	4,000,000	6,352,500	15,810,500

* Including accommodation for manœuvring and mobilization.

APPENDIX.

ACT OF SEDERUNT.

Anent Appeals to Court of Session under the Agricultural Holdings Act, 1900.

The Lords of Council and Session, considering that by the Act of Parliament, 63 & 64 Victoria, chapter 50, section 2 (6), it is enacted that "if in any arbitration under this "Act the arbitrator states a case for the opinion of the Sheriff on any question of law, "the opinion of the Sheriff on any question so stated shall be final, unless within the "time and in accordance with the conditions prescribed by Act of Sederunt either "party appeals to either Division of the Court of Session," do hereby Enact and Declare as follows:—

(1) It shall be competent to appeal against the opinion of the Sheriff within twenty days from the date of said opinion, but not later, and such appeal may be taken by a note of appeal written at the end or on the margin of the interlocutor sheet containing the opinion appealed from, or any note thereto annexed, or by a separate note of appeal lodged with the Clerk of the Sheriff Court within the said twenty days; and such note of appeal may be in the following or similar terms:—

"I appeal to the Division of the Court of Session": and the said note shall specify the Division and shall be signed by the appellant or his agent, and shall bear the date on which it is signed.

(2) The Sheriff Clerk shall, within two days after the date of any appeal being taken, send written notice of such appeal to the respondent or his agent, provided that the failure to give such notice shall not invalidate the appeal; but the Court of Session may give such remedy for any disadvantage or inconvenience thereby occasioned as may in the circumstances be thought proper.

(3) Within two days after the appeal shall have been taken the Sheriff Clerk shall transmit the process to the Clerk of the Division of the Court to which the appeal is taken, who shall subjoin to the appeal a note of the day on which it is received.

(4) The appellant shall, within fourteen days after the process has been received by the Clerk of Court, print and box, or, during vacation, deposit with the said clerk, a print of the note of appeal, special case, and opinion of the Sheriff; and if the appellant shall fail within the said period of fourteen days to print and box the papers aforesaid, he shall be held to have abandoned his appeal and shall not be entitled to insist therein, except upon being reponed as hereinafter provided.

(5) It shall be lawful for the appellant, within eight days after the appeal has been held to be abandoned as aforesaid, to move the Court during Session, or the Lord Ordinary officiating on the Bills during vacation, to repone him to the effect of entitling him to insist in the appeal; which motion shall not be granted by the Court or the Lord Ordinary except upon cause shown, and upon such conditions as to printing and payment of expenses to the respondent, or otherwise, as to the Court or the Lord Ordinary shall seem just.

(6) It shall be lawful for the respondent within eight days after the appeal has been held to be abandoned as aforesaid, if during Session, to print and box the note of appeal, special case, and opinion of the Sheriff; and if during vacation, to deposit a print thereof with the Clerk of Court, and thereafter to insist in the appeal, as if it had been taken by himself; in which case the appellant shall also be entitled to insist in the appeal.

(7) On the expiry of the said period of eight days after the appeal has been held to be abandoned as aforesaid, if the appellant shall not have been reponed, and if the respondent does not insist in the appeal, the opinion complained of shall become final, and shall be treated in all respects as if no appeal had been taken against the same; and the Clerk of Court shall forthwith retransmit the process to the Clerk of the Sheriff Court. Provided always that, before retransmitting the process, the Clerk of Court or his assistant shall engross upon the interlocutor sheet and sign a certificate in these or similar terms:—"(Date) Retransmitted in respect of the abandonment of the "appeal"; and in respect of said certificate, the Sheriff shall, upon a motion being made before him to that effect, grant decree for payment to the respondent in the appeal of the sum of £3, 3s. of expenses.

And the Lords APPOINT this Act to be inserted in the Books of Sederunt, and to be published in the usual manner.

J. B. BALFOUR, *I.P.D.*

11*th June* 1901.

PRINTED BY NEILL AND CO., LTD., EDINBURGH.

THE

SCOTS STATUTES, 1902,

PASSED IN THE SECOND YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

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THE

SCOTS STATUTES, 1902,

PASSED IN THE SECOND YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

CHAPTER I.

AN ACT to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and one, one thousand nine hundred and two, and one thousand nine hundred and three. [21st March 1902.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—ISSUE OF £5,512,396, 2s. 5d. OUT OF THE CONSOLIDATED FUND FOR THE SERVICE OF THE YEARS ENDING 31ST MARCH 1901 AND 1902.—The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the years ending on the thirty-first day of March one thousand nine hundred and one, and one thousand nine hundred and two, the sum of five million five hundred and twelve thousand three hundred and ninety-six pounds two shillings and fivepence.

2.—ISSUE OF £68,181,600 OUT OF THE CONSOLIDATED FUND FOR THE SERVICE OF THE YEAR ENDING 31ST MARCH 1903.—The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and three, the sum of sixty-eight million one hundred and eighty-one thousand six hundred pounds.

3.—POWER TO THE TREASURY TO BORROW.—The Treasury may borrow from any person, and the Bank of England and the Bank of Ireland may advance to the

Treasury on the credit of the said sums, any sum or sums not exceeding in the whole the sum of seventy-three million six hundred and ninety-three thousand nine hundred and ninety-six pounds two shillings and fivepence, and the Treasury shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any moneys so borrowed shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

4.—Short Title.—This Act may be cited as the Consolidated Fund (No. 1) Act, 1902.

CHAPTER II.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army. [28th April 1902.]

Whereas the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of four hundred and twenty thousand, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the beforementioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

44 & 45 Vict. c. 58.—And whereas the Army Act will expire in the year one thousand nine hundred and two on the following days:

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c.*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Short Title.—This Act may be cited as the Army (Annual) Act, 1902.

2.—Army Act (44 & 45 Vict. c. 58) to be in Force for specified Times.—(1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(*a.*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and two to the thirtieth day of April one thousand nine hundred and three, both inclusive; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand nine hundred and two to the thirty-first day of July one thousand nine hundred and three, both inclusive; and

(*c.*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of December one thousand nine hundred and two to the thirty-first day of December one thousand nine hundred and three, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

3.—Prices in respect of Billeting.—There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the schedule to this Act.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Fourpence per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act.	One shilling and threepence halfpenny each.
Breakfast as so specified	One penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer	Two shillings per night.

Note.—An officer shall pay for his food.

CHAPTER III.

An Act to enable County Councils in Ireland to exclude Congested Districts from the Area of Charge for certain purposes. [23rd June 1902.]

CHAPTER IV.

An Act to provide for raising Money for the service of the year ending the thirty-first day of March nineteen hundred and three. [23rd June 1902.]

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies granted to Your Majesty, have resolved that sums not exceeding thirty-two million pounds be raised in manner provided by this Act; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Borrowing for Purpose of Supply for Year 1902–3.—(1) Any money required for raising the supply granted to His Majesty for the service of the year ending on the thirty-first day of March nineteen hundred and three may be raised up to an amount not exceeding thirty-two million pounds, by means of the creation of two and three-quarter per cent. consolidated stock within the meaning of the National Debt (Conversion) Act, 1888 (51 & 52 Vict. c. 2), and the Treasury may, by warrant addressed to the Bank of England, direct the creation of such amounts of that stock as may be required for the purpose.

(2) A full quarterly dividend shall be payable on any stock issued under this Act as from the sixth day of April nineteen hundred and two.

(3) Stock created for the purposes of this Act shall be consolidated with like stock previously created under the National Debt (Conversion) Act, 1888, or the Loan Act, 1901 (1 Edw. 7, c. 12), and may be issued at such times, in such amounts, and subject to such conditions as to payment of deposits and instalments and the issue of scrip certificates carrying dividend and otherwise, as the Treasury direct, and any directions given by the Treasury before the passing of this Act with respect to those matters are hereby confirmed.

(4) Any sums required for defraying any expenses incurred in connexion with raising any money raised under this Act shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof.

(5) Any sums raised by means of the issue of stock under this Act shall be paid into the Exchequer.

2.—Short Title.—This Act may be cited as the Loan Act, 1902.

CHAPTER V.

An Act to amend section one of the Royal Naval Reserve (Volunteer) Act, 1896.

[22nd July 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Amendment of (59 & 60 Vict. c. 33) as to qualification for Service (63 & 64 Vict. c. 52).—Section one of the Royal Naval Reserve (Volunteer) Act, 1896, shall have effect, and shall be deemed to have always had effect, as if the words "serving on a vessel registered in the British Islands" were omitted therefrom, and those words are hereby repealed; and that section, as amended, shall apply also to men raised under the provisions of the Naval Reserve Act, 1900.

2.—Short Title.—This Act may be cited as the Royal Naval Reserve Act, 1902; and the Royal Naval Reserve (Volunteer) Act, 1859 (22 & 23 Vict. c. 40), the Royal Naval Reserve (Volunteer) Act, 1896 (59 & 60 Vict. c. 33), the Naval Reserve (Mobilisation) Act, 1900; the Naval Reserve Act, 1900 (63 & 64 Vict. c. 17) and this Act may be cited collectively as the Royal Naval Reserve Acts, 1859 to 1902 (63 & 64 Vict. c. 52).

CHAPTER VI.

An Act to amend the Wild Birds Protection Acts.

[22nd July 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Court May Order Forfeiture of Bird or Egg.—Where any person is convicted of an offence against the Wild Birds Protection Acts, 1880 to 1896, the court may, in addition to any penalty that may therein be imposed, order any wild bird, or wild bird's egg, in respect of which the offence has been committed, to be forfeited and disposed of as the court shall think fit.

2.—Short Title and Collective Title.—This Act may be cited as the Wild Birds Protection Act, 1902, and shall be construed with the Wild Birds Protection Act, 1880, the Wild Birds Protection Act, 1881, the Wild Birds Protection Act, 1894, and the Wild Birds Protection Act, 1896, and those Acts and this Act may be cited collectively as the Wild Birds Protection Acts, 1880 to 1902.

CHAPTER VII.

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provision for the financial arrangements of the year.

[22nd July 1902.]

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.—Customs and Excise.

1.—Duty on Grain, &c.—There shall, as from the fifteenth day of April nineteen hundred and two, be charged, levied, and paid on the grain and other articles mentioned in the First Schedule to this Act imported into Great Britain or Ireland the duties mentioned in that schedule, and there shall, as from the seventh day of May nineteen hundred and two, be allowed in respect of those articles the drawbacks set out in the Second Schedule to this Act.

2.—Duty on Tea.—The duty of customs now payable on tea shall continue to be charged, levied, and paid until the first day of August nineteen hundred and three, on the importation thereof into Great Britain or Ireland; that is to say—

Tea, the pound, sixpence.

3.—Continuance of Additional Customs Duties and Drawbacks on Tobacco, Beer, and Spirits.—The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (63 & 64 Vict. c. 7), (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of August nineteen hundred and three, and as regards the period for which any additional drawbacks are allowed under those sections nineteen hundred and three shall be substituted for nineteen hundred and one.

4.—Continuance of Additional Excise Duties and Drawbacks on Beer and Spirits.—The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900 (63 & 64 Vict. c. 7), shall continue to be charged, levied, and paid until the first day of August nineteen hundred and three, and as regards the period in respect of which any additional drawback is allowed under the said section six nineteen hundred and three shall be substituted for nineteen hundred and one.

5.—Surtax and Allowance on Spirits.—(1) As from the seventeenth day of June nineteen hundred and two, the Customs duty of ten shillings and fourpence on imported spirits, imposed by section seven of the Customs and Inland Revenue Act, 1881 (44 & 45 Vict. c. 12), shall, as respects spirits other than rum and brandy, be ten shillings and fivepence, and the allowances of twopence and fourpence payable in respect of spirits under section three of the Customs and Inland Revenue Act, 1885 (48 & 49 Vict. c. 51), and section six of the Finance Act, 1895 (58 & 59 Vict. c. 16), shall be respectively threepence and fivepence.

(2) For the purpose of section three of the Customs and Inland Revenue Act, 1885, spirits shall be deemed to be British plain spirits, or spirits in the nature of spirits of wine, and not to be British compounded spirits, unless they are proved to the satisfaction of the Commissioners of Inland Revenue to have been distinctly altered in character by redistillation with or without the addition of flavouring matter.

6.—Increase of Customs Duties on Glucose.—As from the seventeenth day of June nineteen hundred and two, three shillings and threepence shall be substituted for two shillings and ninepence, and two shillings and sixpence for two shillings as the Customs duties on solid and liquid glucose respectively under section two of the Finance Act, 1901 (1 Edw. 7, c. 7).

7.—Amendment of 1 Edw. 7, c. 7, s. 10.—Section ten of the Finance Act, 1901, applies although the goods have undergone a process of manufacture or preparation, or have become a part or ingredient of other goods.

8.—Power to Authorise Use of Spirits without Payment of Duty in Art or Manufacture.—(1) Where, in the case of any art or manufacture carried on by any person in which the use of spirits is required, it shall be proved to the satisfaction of the Commissioners of Inland Revenue that the use of methylated spirits is unsuitable or detrimental, they may, if they think fit, authorise that person to receive spirits without payment of duty for use in the art or manufacture upon giving security to their satisfaction that he will use the spirits in the art or manufacture, and for no other purpose, and the spirits so used shall be exempt from duty:

Provided that foreign spirits may not be so received or used until the difference between the duty of customs chargeable thereon and the duty of excise chargeable on British spirits has been paid.

(2) The authority shall only be granted subject to a compliance with such regulations as the Commissioners may require the applicant to observe for the security of the revenue, and upon condition that he will, to the satisfaction of the Commissioners if so required by them, render the spirits unpotable before and during use, and will from time to time pay any expenses that may be incurred in placing an officer in charge of his premises.

(3) If any person so authorised shall not comply with any regulation which he is required to observe, he shall, in addition to any other fine or liability, incur a fine of fifty pounds.

Part II.—Stamps.

9.—Amendment of 54 & 55 Vict. c. 39, s. 62.—The provision of section sixty-two of the Stamp Act, 1891, limiting to ten shillings the duty on conveyances or transfers made for effectuating the appointment of a new trustee, shall apply to any conveyance or transfer for effectuating the retirement of a trustee, although no new trustee is appointed.

Part III.—Income Tax and Inhabited House Duty.

10.—Income Tax for 1902–1903.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and two shall be charged at the rate of one shilling and threepence.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and two shall have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property, which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853 (16 & 17 Vict. c. 34), or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and two, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection—

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) shall not apply to the metropolis as defined by the Valuation (Metropolis) Act, 1869 (32 & 33 Vict. c. 67).

(4) Section thirty-eight of the Finance Act, 1894 (57 & 58 Vict. c. 30), (which relates to duty on dividends, &c. paid prior to the passing of the Act), shall be applied with respect to the year which commenced on the sixth day of April nineteen hundred and two, as it was applied with respect to the year which commenced on the sixth day of April one thousand eight hundred and ninety-four.

Part IV.—National Debt.

11.—Issue of Stock Certificates to Holders of Scrip Certificates.—(1) The holder of a scrip certificate for any stock which is subject to the provisions of the National Debt Act, 1870 (33 & 34 Vict. c. 71), may obtain a stock certificate under section twenty-six of that Act in like manner as a stock holder, and the Treasury may, if they think fit, dispense with any fee for the issue of stock certificates so obtained.

(2) Any stock certificate obtained as provided by this section before the passing of this Act shall be deemed to have been properly obtained in accordance with section twenty-six of the National Debt Act, 1870.

Part V.—General.

12.—Short Title.—(1) This Act may be cited as the Finance Act, 1902.

(2) Part I. of this Act so far as relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

SCHEDULES.

FIRST SCHEDULE.

Duties.

Part I.

			£	s.	d.
Wheat, Barley, Oats, Rye, Buckwheat,	Peas (not fresh), Beans (not fresh), Lentils, Rice (other than whole and cleaned rice).	the cwt.	0	0	3
Maize, Any offals which are feeding stuffs and are proved to the satisfaction of the Commissioners of Customs not to contain more than fifty per cent. of starch.		the cwt.	0	0	1½

Provided that, as from the fifteenth day of April up to the seventeenth day of June nineteen hundred and two, the said duty of 1½*d.* on maize and offals shall be deemed to have been chargeable at the rate of 3*d.*, but where it is proved to the satisfaction of the Commissioners of Customs that the said duty of 3*d.* has been paid during that period on any maize or offals, and that the excess of that duty over the duty of 1½*d.* has not been recovered from any person to whom the maize or offals have been delivered after importation, the Commissioners of Customs may remit the excess.

"Offals" mean the bran, pollards, germs, husks, culms, dust, or other similar bye-products of maize and the articles liable to the above-mentioned duty of threepence.

PART II.

		£	s.	d.
Flour and the meal or milled products (other than offals liable to the above-mentioned duty of one penny halfpenny) of any of the articles mentioned in Part I. of this Schedule except maize.				
Starch, Arrowroot, Cassava powder and tapioca, Potato flour,	Sago, Malt, Pearled barley; and Rice (whole and cleaned).	the cwt.	0	0	5
The meal or milled products of maize (other than offals of maize liable to the above-mentioned duty of one penny halfpenny).		the cwt.	0	0	2½

Provided that, as from the fifteenth day of April up to the seventeenth day of June 1902, the said duty of 2½*d.* on the meal or milled products of maize shall be deemed to have been chargeable at the rate of 5*d.*, but where it is proved to the satisfaction of the Commissioners of Customs that the said duty of 5*d.* has been paid during that period on any meal or milled products of maize, and that the excess of that duty over the duty of 2½*d.* has not been recovered from any person to whom the meal or milled products of maize have been delivered after importation, the Commissioners of Customs may remit the excess.

SECOND SCHEDULE.

DRAWBACKS.

Drawbacks to be allowed on articles exported or deposited in any bonded warehouse for use as ships' stores, or removed to the Isle of Man, if it is proved to the satisfaction of the Commissioners of Customs that the duties on importation have been duly paid.

On any of the articles mentioned in the First Schedule which have undergone a process of manufacture or preparation in Great Britain or Ireland, a drawback equal to the duty paid on the article.

On goods in the manufacture or preparation of which in Great Britain or Ireland any of the articles mentioned in the First Schedule has been used, a drawback equal to the duty paid in respect of the quantity of that article which appears to the satisfaction of the Treasury to have been so used.

In allowing any drawback mentioned in this Schedule, the Commissioners of Customs may, with the assent of the Treasury, in order to facilitate trade, relax, in the case of any goods, any requirements of sections one hundred and four and one hundred and six of the Customs Consolidation Act, 1876, as to the giving of security and the examination of goods.

CHAPTER VIII.

AN ACT for the regulation of the burning of Human Remains, and to enable Burial Authorities to establish Crematoria. [22nd July 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—SHORT TITLE.—This act may be cited as the Cremation Act, 1902.

2.—DEFINITIONS.—In this Act—

The expression "burial authority" shall mean any burial board, any council, committee, or other local authority having the powers and duties of a burial board, and any local authority maintaining a cemetery under the Public

Health (Interments) Act, 1879 (42 & 43 Vict. c. 31), or under any local Act;

The expression "crematorium" shall mean any building fitted with appliances for the purpose of burning human remains, and shall include everything incidental or ancillary thereto.

3.—Application to Scotland.—In the application of this Act to Scotland—

The expression "burial authority" shall mean the parish council or town council of any parish or burgh, as the case may be, vested with the powers and duties conferred by the Burial Grounds (Scotland) Act, 1855 (18 & 19 Vict. c. 58), or any Act amending the same;

The expression "the Local Government Board" shall mean the Local Government Board for Scotland;

The expression "Secretary of State" shall mean the Secretary for Scotland.

4.—Burial Authority may Provide for Cremation.—The powers of a burial authority to provide and maintain burial grounds or cemeteries, or anything essential, ancillary, or incidental thereto, shall be deemed to extend to and include the provision and maintenance of crematoria:

Provided that no human remains shall be burned in any such crematorium until the plans and site thereof have been approved by the Local Government Board, and until the crematorium has been certified by the burial authority to the Secretary of State to be complete, built in accordance with such plans, and properly equipped for the purpose of the disposal of human remains by burning.

5.—Site of Crematorium.—No crematorium shall be constructed nearer to any dwelling house than two hundred yards, except with the consent, in writing, of the owner, lessee, and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority.

6.—Donations of Land.—A burial authority may accept a donation of land for the purpose of a crematorium, and a donation of money or other property for enabling them to acquire, construct, or maintain a crematorium.

7.—Regulations as to Burning.—The Secretary of State shall make regulations as to the maintenance and inspection of crematoria and prescribing in what cases and under what conditions the burning of any human remains may take place, and directing the disposition or interment of the ashes, and prescribing the forms of the notices, certificates, and declarations to be given or made before any such burning is permitted to take place, such declarations to be made under and by virtue of the Statutory Declarations Act, 1835 (5 & 6 Will. 4, c. 62), and also regulations as to the registration of such burnings as have taken place. A copy of such regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, or, if not, then within three weeks after the beginning of the next ensuing Session of Parliament; and, after such regulations have lain for forty days before Parliament, then, unless within such forty days an address has been presented by one or other of the said Houses praying His Majesty to withhold his assent from such regulations or any part thereof, such regulations shall have the same effect as if they were enacted in this Act. All statutory provisions relating to the destruction and falsification of registers of burials, and the admissibility of extracts therefrom as evidence in courts and otherwise, shall apply to the register of burnings directed by such regulations to be kept, and the Stamp Act, 1891 (54 & 55 Vict. c. 39), shall apply to a register under this Act as if it were a register of burials.

8.—Penalties for Breach of Regulations, &c.—(1) Every person who shall contravene any such regulation as aforesaid, or shall knowingly carry out or procure or take part in the burning of any human remains except in accordance with such regulations and the provisions of this Act, shall (in addition to any liability or penalty which he may otherwise incur) be liable on summary conviction to a penalty not exceeding fifty pounds. Provided that any person aggrieved by any conviction may appeal therefrom to quarter sessions.

(2) Every person who shall wilfully make any false declaration or representation, or sign or utter any false certificate, with a view to procuring the burning of any human remains, shall (in addition to any penalty or liability which he may otherwise incur) be liable to imprisonment with or without hard labour not exceeding two years.

(3) Every person who with intent to conceal the commission or impede the prosecution of any offence, procures or attempts to procure the cremation of any body, or with such intent makes any declaration or gives any certificate under this Act, shall be liable to conviction on indictment to penal servitude for a term not exceeding five years.

9.—Fees.—The burial authority may demand payment of any such charges or fees for the burning of human remains in any crematorium provided by them as may be authorised by any table approved by the Local Government Board, and such charges or fees, and any other expenses properly incurred in or in connection with the cremation of a deceased person, shall be deemed to be part of the funeral expenses of the deceased.

10.—Saving for Coroners.—Nothing in this Act shall interfere with the jurisdiction of any coroner under the Coroners Act, 1887 (50 & 51 Vict. c. 71), or any Act amending the same, and nothing in this Act shall authorise the burial authority or any person to create or permit a nuisance.

11.—Incumbent not to be Obliged to Perform Burial Service.—The incumbent of any ecclesiastical parish shall not, with respect to his parishioners or persons dying in his parish, be under any obligation to perform a funeral service before, at, or after the cremation of their remains, within the ground of a burial authority, but, upon his refusal so to do, any clerk in Holy Orders of the Established Church not being prohibited under ecclesiastical censure, may, with the permission of the bishop and at the request of the executor of the deceased person, or of the burial authority, or other person having charge of the cremation or interment of the cremated remains, perform such service within such ground.

12.—Fees may be Fixed.—In any table of fees respecting burials to be made or approved by the Secretary of State, a fee may be fixed in respect of a burial service before, at, or after cremation, and if no fee is fixed, the fee, if any, fixed in respect of a burial service shall apply.

13.—Application of 10 & 11 Vict. c. 65, ss. 52 and 57.—Sections fifty-two and fifty-seven of the Cemeteries Clauses Act, 1847, and any similar provisions in any local and Personal Act authorising the making of a cemetery, shall apply to the disposition or interment of the ashes of a cremated body as if it were the burial of a body.

14.—Repeal of Local Acts.—As from the date at which regulations under this Act come into force, any provisions of any local and personal Act for the like purpose as this Act, and any byelaws or regulations made thereunder, shall, so far as they relate to that purpose, cease to be in operation.

15.—Commencement of Act.—This Act shall come into operation on the first day of April one thousand nine hundred and three.

16.—Extent of Act.—This Act shall not apply to Ireland.

CHAPTER IX.

An Act to amend the Prison Act, 1877, with respect to the Allowances of Prison Officers under section thirty-six of that Act. [22nd July 1902.]

CHAPTER X.

An Act to amend the Law as to Pensions and Gratuities of Police Reservists called out on permanent service. [22nd July 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Period of Service as Reservist to Count for Pension.—Where a constable of a police force within the meaning of the Police Act, 1890, or the Police (Scotland) Act, 1890 (53 & 54 Vict. cc. 45, 67), has been called out for permanent service as a

member of the Army Reserve in pursuance of the Royal Proclamation of the seventh day of October one thousand eight hundred and ninety-nine, his period of service under that proclamation may, if the police authority think fit, be reckoned in the computation of approved service for the purpose of any pension or gratuity under those Acts; and this Act shall have effect as from the date of that proclamation.

2.—Short Title.—This Act may be cited as the Police Reservists Act, 1902.

CHAPTER XI.

An Act to make further provision for the Punishment of Persons trading in Prostitution in Scotland. [22nd July 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Persons Trading in Prostitution.—(1) Every male person who—

(*a*) knowingly lives wholly or in part on the earnings of prostitution; or

(*b*) in any public place persistently solicits or importunes for immoral purposes,

shall be guilty of a crime and offence, and being convicted thereof before a court of summary jurisdiction shall be liable at the discretion of the court to be imprisoned for any term not exceeding three months with hard labour.

(2) If it is made to appear to a court of summary jurisdiction by information on oath that there is reason to suspect that any house or any part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the court may issue a warrant authorising any constable to enter and search the house and to arrest that male person.

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

2.—Extent and Short Title.—(1) This Act shall extend to Scotland only.

(2) This Act may be cited as the Immoral Traffic (Scotland) Act, 1902.

CHAPTER XII.

An Act to enable the Trustees of the British Museum to remove certain newspapers and other printed matter from the present British Museum Buildings. [22nd July 1902.]

CHAPTER XIII.

An Act to authorise the establishment of Labour Bureaux throughout the Metropolis. [22nd July 1902.]

CHAPTER XIV.

An Act to extend the privileges of the Graduates of the University of Wales. [22nd July 1902.]

CHAPTER XV.

An Act to amend the Law relating to Musical Copyright. [22nd July 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Seizure, &c. of Pirated Copies.—A court of summary jurisdiction, upon the application of the owner of the copyright in any musical work, may act as follows: If satisfied by evidence that there is reasonable ground for believing that pirated copies of such musical work are being hawked, carried about, sold, or offered for sale, may, by order, authorise a constable to seize such copies without warrant and to bring them before the court, and the court, on proof that the copies are pirated, may order them to be destroyed or to be delivered up to the owner of the copyright if he makes application for that delivery.

2.—Power to Seize Copies on Hawkers.—If any person shall hawk, carry about, sell, or offer for sale any pirated copy of any musical work, every such pirated copy may be seized by any constable without warrant, on the request in writing of the apparent owner of the copyright in such work, or of his agent thereto authorised in writing, and at the risk of such owner.

On seizure of any such copies, they shall be conveyed by such constable before a court of summary jurisdiction, and, on proof that they are infringements of copyright, shall be forfeited or destroyed, or otherwise dealt with as the court may think fit.

3.—Definitions.—"Musical copyright" means the exclusive right of the owner of such copyright under the Copyright Acts in force for the time being to do or to authorise another person to do all or any of the following things in respect of a musical work:—

(1) To make copies by writing or otherwise of such musical work.

(2) To abridge such musical work.

(3) To make any new adaptation, arrangement, or setting of such musical work, or of the melody thereof, in any notation or system.

"Musical work" means any combination of melody and harmony, or either of them, printed, reduced to writing, or otherwise graphically produced or reproduced.

"Pirated musical work" means any musical work written, printed, or otherwise reproduced, without the consent lawfully given by the owner of the copyright in such musical work.

4.—Short Title and Commencement.—This Act may be cited as the Musical (Summary Proceedings) Copyright Act, 1902, and shall come into operation on the first day of October one thousand nine hundred and two, and shall apply only to the United Kingdom.

CHAPTER XVI.

An Act to amend the Pauper Children (Ireland) Act, 1898. [22nd July 1902.]

CHAPTER XVII.

An Act to secure the better training of Midwives and to regulate their practice. [31st July 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Certification.—(1) From and after the first day of April one thousand nine hundred and five, any woman who not being certified under this Act shall take or use the name or title of midwife (either alone or in combination with any other word or words), or any name, title, addition, or description implying that she is certified under this Act, or is a person specially qualified to practise midwifery, or is recognised by law as a midwife, shall be liable on summary conviction to a fine not exceeding five pounds.

(2) From and after the first day of April one thousand nine hundred and ten, no woman shall habitually and for gain attend women in childbirth otherwise than under the direction of a qualified medical practitioner unless she be certified under this Act; any woman so acting without being certified under this Act shall be liable on summary conviction to a fine not exceeding ten pounds, provided this section shall not apply to

legally qualified medical practitioners, or to any one rendering assistance in a case of emergency.

(3) No woman shall be certified under this Act until she has complied with the rules and regulations to be laid down in pursuance of this Act.

(4) No woman certified under this Act shall employ an uncertified person as her substitute.

(5) The certificate under this Act shall not confer upon any woman any right or title to be registered under the Medical Acts or to assume any name, title, or designation implying that she is by law recognised as a medical practitioner, or that she is authorised to grant any medical certificate, or any certificate of death or of still-birth, or to undertake the charge of cases of abnormality or disease in connection with parturition.

2.—Provision for Existing Midwives.—Any woman who, within two years from the date of this Act coming into operation, claims to be certified under this Act, shall be so certified provided she holds a certificate in midwifery from the Royal College of Physicians of Ireland, or from the Obstetrical Society of London, or the Coombe Lying-in Hospital and Guinness's Dispensary, or the Rotunda Hospital for the Relief of the Poor Lying-in Women of Dublin, or such other certificate as may be approved by the Central Midwives Board, or produces evidence, satisfactory to the Board, that at the passing of this Act, she had been for at least one year in bonâ fide practice as a midwife, and that she bears a good character.

3.—Constitution and Duties of the Central Midwives Board.—On the passing of this Act the Lord President of the Council shall take steps to secure the formation of a Central Midwives Board, which shall consist of—

(1) Four registered medical practitioners, one to be appointed by the Royal College of Physicians of London, one by the Royal College of Surgeons of England, one by the Society of Apothecaries, and one by the Incorporated Midwives Institute; and

(2) Two persons (one of whom shall be a woman) to be appointed for terms of three years by the Lord President of the Council; and

(3) One person to be appointed for a term of three years by the Association of County Councils, one person to be appointed for a term of three years by the Queen Victoria's Jubilee Institute for Nurses, and one person to be appointed for a term of three years by the Royal British Nurses Association.

After two years from the commencement of this Act, the members appointed under subsection (1) shall retire, but shall be eligible for re-appointment annually. Any vacancy occurring by resignation or death shall be filled up in the case of a member appointed under subsections (1) and (3) by the body which appointed such person, and in the case of a member appointed under subsection (2) by the Lord President of the Council; members appointed under subsections (2) and (3) shall, on the termination of the period for which they have been appointed, be eligible for re-appointment for a like period.

The duties and powers of the Board shall be as follows :—

I. To frame rules—

(*a*) regulating their own proceedings;

(*b*) regulating the issue of certificates and the conditions of admission to the roll of midwives;

(*c*) regulating the course of training and the conduct of examinations, and the remuneration of the examiners;

(*d*) regulating the admission to the roll of women already in practice as midwives at the passing of this Act;

(*e*) regulating, supervising, and restricting within due limits the practice of midwives;

(*f*) deciding the conditions under which midwives may be suspended from practice;

(*g*) defining the particulars required to be given in any notice under section ten of this Act;

II. To appoint examiners;

III. To decide upon the places where, and the times when, examinations shall be held;

IV. To publish annually a roll of midwives who have been duly certified under this Act;

V. To decide upon the removal from the roll of the name of any midwife for disobeying the rules and regulations from time to time laid down under this Act by the Central Midwives Board, or for other misconduct, and also to decide upon the restoration to the roll of the name of any midwife so removed;

VI. To issue and cancel certificates.

And generally to do any other act or duty which may be necessary for the due and proper carrying out of the provisions of this Act.

Rules framed under this section shall be valid only if approved by the Privy Council: and the Privy Council, before approving any such rules, shall take into consideration any representations which the General Medical Council may make with respect thereto.

4.—Appeal from Decision of Midwives Board.—Any woman thinking herself aggrieved by any decision of the Central Midwives Board removing her name from the roll of midwives may appeal therefrom to the High Court of Justice within three months after the notification of such decision to her; but no further appeal shall be allowed.

5.—Fees and Expenses.—There shall be payable by every woman presenting herself for examination or certificate such fee as the Central Midwives Board may, with the approval of the Privy Council, from time to time determine, such fee not to exceed the sum of one guinea. All such fees paid by midwives in practice at the passing of this Act and by candidates for examination shall be paid to the Central Midwives Board. The said Board shall devote such fees to the payment of expenses connected with the examination and certificate, and to the general expenses of the Board. The Board shall, as soon as practicable after the thirty-first day of December in each year, publish a financial statement made up to that date, and showing the receipts and expenditure, including liabilities of the Board during the year, which statement shall be certified as correct by an accountant who shall be a member either of the Institute of Chartered Accountants or of the Incorporated Society of Accountants. The Board shall submit a copy of such statement to the Privy Council, and if the statement shows any balance against the Board and such balance is approved by the Privy Council, the Board may apportion such balance between the councils of the several counties and county boroughs in proportion to the number of midwives who have given notice during the year of their intention to practise in those areas respectively, and may recover from the councils the sum so apportioned.

6.—Midwives Roll.—There shall be a roll of midwives containing—

(1) The names of those midwives who have been certified under section two of this Act.

(2) The names of all other midwives who have been certified under this Act.

The entry on the roll shall in every case indicate the conditions in virtue of which the certificate was granted.

7.—Appointment of Secretary and Supplemental Provision as to Certificate.—The Central Midwives Board shall, with the previous sanction of the Privy Council, appoint a secretary and such other officers as may be required, and every person so appointed shall be paid such salary as the Privy Council may approve, and shall be removable at the pleasure of the Board. The secretary shall be charged with the custody of the roll.

A copy of the roll of midwives purporting to be printed by the authority of the Board or to be signed by the secretary to the Board, shall be evidence in all courts that the women therein specified are certified under this Act; and the absence of the name of any woman from such copy shall be evidence, until the contrary be made to appear, that such woman is not certified under this Act: Provided always, that in the case of any woman whose name does not appear in such copy, a certificate under the hand of the secretary of the entry of the name of such woman on the roll shall be evidence that such woman is certified under this Act.

8.—Local Supervision of Midwives.—Every council of a county or county borough throughout England and Wales shall, on the commencement of this Act, be

the local supervising authority over midwives within the area of the said county or county borough. It shall be the duty of the local supervising authority—

(1) To exercise general supervision over all midwives practising within their area in accordance with the rules to be laid down under this Act.

(2) To investigate charges of malpractice, negligence, or misconduct on the part of any midwife practising within their area, and should a primâ facie case be established, to report the same to the Central Midwives Board.

(3) To suspend any midwife from practice, in accordance with the rules under this Act, if such suspension appears necessary in order to prevent the spread of infection.

(4) To report at once to the said Board the name of any midwife practising in their area convicted of an offence.

(5) During the month of January of each year to supply the secretary of the Central Midwives Board with the names and addresses of all midwives who, during the preceding year, have notified their intention to practise within their area, and to keep a current copy of the roll of midwives, accessible at all reasonable times for public inspection.

(6) To report at once to the Central Midwives Board the death of any midwife or any change in the name or address of any midwife in their area, so that the necessary alteration may be made in the roll.

(7) To give due notice of the effect of the Act, so far as practicable, to persons at present using the title of midwife.

The local supervising authority may delegate, with or without any restrictions or conditions as they may think fit, any powers or duties conferred or imposed upon them by or in pursuance of this Act, to a committee appointed by them, and consisting either wholly or partly of members of the council, and the provisions of subsections one and two of section eighty-two of the Local Government Act, 1888, shall apply to every committee appointed under this section and to every council appointing the same, and women shall be eligible to serve on any such committees.

9.—Delegation of Powers to District Councils.—A county council may delegate, with or without any restrictions or conditions as they may think fit, any powers or duties conferred or imposed upon them by or in pursuance of this Act, to any district council within the area of the county, and the powers and duties so delegated may be exercised by a committee appointed by such district council and consisting either wholly or partly of members of the district council, and women shall be eligible to serve on any such committee. Any expenses incurred by a district council in the execution of any powers or duties so delegated shall, to an amount not exceeding such sum as may be prescribed by the county council, be repaid to such district council as a debt by the county council, and any excess above the sum so prescribed shall be borne by the district council as part of their ordinary expenses.

The provisions of this section shall apply to the administrative county of London in like manner as if each metropolitan borough were a county district and the borough council were the district council of that district.

10.—Notification of Practice.—Every woman certified under this Act shall, before holding herself out as a practising midwife or commencing to practise as a midwife in any area, give notice in writing of her intention so to do to the local supervising authority, or to the body to whom for the time being the powers and duties of the local supervising authority shall have been delegated under this Act, and shall give a like notice in the month of January in every year thereafter during which she continues to practise in such area.

Such notice shall be given to the local supervising authority of the area within which such woman usually resides or carries on her practice, and the like notice shall be given to every other local supervising authority or delegated body within whose area such woman at any time practises or acts as a midwife, within forty-eight hours at the latest after she commences so to practise or act.

Every such notice shall contain such particulars as may be required by the rules under this Act to secure the identification of the person giving it; and if any woman omits to give the said notices or any of them, or knowingly or wilfully makes or causes or procures any other person to make any false statement in any such

notice she shall on summary conviction be liable to a fine not exceeding five pounds.

11.—Penalty for Obtaining a Certificate by False Representation.—Any woman who procures or attempts to procure a certificate under this Act by making or producing, or causing to be made or produced, any false and fraudulent declaration, certificate, or representation, either in writing or otherwise, shall be guilty of a misdemeanour, and shall on conviction thereof be liable to be imprisoned, with or without hard labour, for any term not exceeding twelve months.

12.—Penalty for Wilful Falsification of the Roll.—Any person wilfully making or causing to be made any falsification in any matter relating to the roll of midwives shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding twelve months.

13.—Prosecution of Offences.—Any offences under this Act punishable on summary conviction may be prosecuted by the local supervising authority.

The expenses of any such prosecution shall be defrayed by the council of the county or county borough in which the prosecution takes place.

14.—Appeal.—Where any woman deems herself aggrieved by any determination of any court of summary jurisdiction under this Act, such woman may appeal therefrom to the court of quarter sessions.

15.—Expenses of Local Supervising Authority.—Any expenses under this Act payable by the council of a county or county borough shall be defrayed out of the county fund or out of the borough fund or borough rate, as the case may be.

16.—Act not to Apply to Medical Practitioners.—Nothing in this Act respecting midwives shall apply to legally qualified medical practitioners.

17.—Extent of Act and Action by English Branch Council.—This Act shall not extend to Scotland or Ireland.

The General Medical Council shall act by the English Branch Council, which for all purposes of this Act shall occupy the place of the General Medical Council.

18.—Definitions.—In this Act—

The term "midwife" means a woman who is certified under this Act unless the context otherwise requires.

"Central Midwives Board" means the Board constituted under this Act for the purpose of carrying out the provisions of this Act.

19.—Short Title and Commencement.—This Act may be cited as the Midwives Act, 1902. It shall, except as otherwise provided by this Act, come into operation on the first day of April one thousand nine hundred and three.

[Note.—This Act does not apply to Scotland.]

CHAPTER XVIII.

An Act to amend the Law relating to issue of Licences for the Sale of Intoxicating Liquors in Ireland. [31st July 1902.]

CHAPTER XIX.

An Act to renew the Education Act, 1901. [31st July 1902.]

CHAPTER XX.

An Act to amend the Public Libraries (Ireland) Acts. [8th August 1902.]

CHAPTER XXI.

An Act to prohibit compulsory Membership of Unregistered Shop Clubs or Thrift Funds, and to regulate such as are duly registered. [8th August 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and

consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Membership of Friendly Society, &c., not to be Condition of Employment.—It shall be an offence under this Act if an employer shall make it a condition of employment—

(*a*) That any workman shall discontinue his membership of any friendly society; or

(*b*) That any workman shall not become a member of any friendly society other than the shop club or thrift fund.

2.—Employer not to Require Workman to Join Shop Club, &c. (59 & 60 Vict. c. 25).—It shall be an offence under this Act if an employer shall make it a condition of employment that any workman shall join a shop club or thrift fund, unless the shop club or thrift fund is registered under the Friendly Societies Act, 1896, subject to the provisions of this Act, and certified under this Act by the Registrar of Friendly Societies.

No shop club or thrift fund shall be so certified unless the Registrar of Friendly Societies is satisfied:—

(*a*) That the shop club or thrift fund is one that affords to the workman benefits of a substantial kind in the form of contributions or benefits at the cost of the employer in addition to those provided by the contributions of the workman.

(*b*) That the shop club or thrift fund is of a permanent character, and is not a society that annually or periodically divides its funds, and that no member of such shop club or thrift fund shall, except in accordance with the provisions of section six of this Act, be required to cease his membership in such shop club or thrift fund upon leaving the firm with which such club or fund is connected.

Before so certifying any shop club or thrift fund, the Registrar shall take steps to ascertain the views of the workmen, and shall be satisfied that at least seventy-five per cent. of the workmen desire the establishment of such shop club or thrift fund; and further, shall consider any objections that they may make to the certification.

3.—Regulations.—The regulations contained in the schedule of this Act shall apply to any shop club or thrift fund certified under this Act.

4.—Penalty.—Every person who commits an offence within the meaning of this Act shall be liable on summary conviction to a fine not exceeding five pounds, and, in the case of a second or subsequent conviction within one year of a previous conviction, to a fine not exceeding twenty pounds:

Provided that, where an offence is committed in respect of several persons at the same time, the offender shall not be convicted of more than one offence.

5.—Exemption of Railways.—Nothing in this Act shall prohibit compulsory membership of any superannuation fund, insurance, or other society, already existing for the benefit of the persons employed by any railway company, to the funds of which such company contributes.

6.—Compensation to Workman Ceasing to be Member of Shop Club.—In any case where a workman, by the conditions of his employment, is a member of a shop club, he shall, upon his dismissal from, or upon leaving, his employment, unless contrary to the rules of the club, have the option of remaining a member or of having returned to him the amount of his share of the funds of the club, to be ascertained by actuarial calculation: Provided that every such member who shall exercise the option to remain a member of the club shall not, so long as he remains out of such employment, be entitled to take any part in the management of the club, or to vote in respect thereof.

7.—Definitions.—In this Act—

The term "friendly society" means a friendly society registered under the Friendly Societies Act, 1896, and includes a registered branch, and in application to Scotland and Ireland the word "registrar" means the registrar as defined in that Act:

The expression "shop club" or "thrift fund" means every club and society for providing benefits to workmen in connection with a workshop, factory, dock, shop, or warehouse.

8.—Date of Act.—This Act shall come into operation on the first day of January one thousand nine hundred and three.

9.—Short Title.—This Act may be cited as the Shop Clubs Act, 1902.

SCHEDULE.

Regulations as to Certification under this Act.

The rules of a shop club or thrift fund (hereinafter termed "the society") shall provide for the following matters:—

i. The name and place of office of the society.

ii. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member, and the consequences of non-payment of any subscription or fine.

iii. The mode of holding meetings and right of voting, and the manner of making, altering, and rescinding rules.

iv. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees.

v. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.

vi. Annual returns to the registrar of the receipts, funds, effects, and expenditure, and numbers of members of the society.

vii. The inspection of the books of the society by every person having an interest in the funds of the society.

viii. The manner in which disputes shall be settled.

ix. The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof.

x. A valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.

xi. The voluntary dissolution of the society by consent of not less than five-sixths in value of the persons contributing to the funds of the society, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.

xii. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the chief registrar, or, in any case of societies registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland, for an investigation of the affairs of the society, or for winding up the same.

CHAPTER XXII.

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [8th August 1902.]

CHAPTER XXIII.

An Act to amend the Law with respect to Customs Duties in the Isle of Man. [8th August 1902.]

CHAPTER XXIV.

AN ACT to facilitate the execution and maintenance of Marine Works in Ireland, and for other like purposes. [8th August 1902.]

CHAPTER XXV.

AN ACT to amend the Lands Valuation (Scotland) Acts in regard to the Law relating to the Rating of Machinery. [8th August 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—PROVISION AS TO WHAT IS "MACHINERY FIXED OR ATTACHED."—Section forty-two of the Valuation Act, 1854, shall be read and construed as if the following proviso were inserted after the words "and all machinery fixed or attached to any lands or heritages," that is to say: Provided that in any building occupied for any trade, business, or manufacturing process the expression "machinery fixed or attached" shall be construed as including all machinery, machines, or plant in or on the lands or heritages for producing or transmitting, first, motive power, or for heating or lighting such building; but save as herein provided shall not include machines, tools, or appliances which are only so fixed that they can be removed from their place without necessitating the removal of any part of the building.

2.—CONSTRUCTION, SHORT TITLE, AND EXTENT.—This Act shall be read and construed as one with the Lands Valuation (Scotland) Act, 1854 (17 & 18 Vict. c. 91) and any Act amending the same, and may be cited separately as the Lands Valuation (Scotland) Amendment Act, 1902, and shall apply to Scotland only.

CHAPTER XXVI.

AN ACT to substitute the Government of the Commonwealth of Australia for the Governments of the States of New South Wales, Queensland, and Victoria in the Pacific Cable Act, 1901. [8th August 1902.]

CHAPTER XXVII.

AN ACT to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and one and one thousand nine hundred and three, and to appropriate the Supplies granted in this Session of Parliament. [8th August 1902.]

CHAPTER XXVIII.

AN ACT to amend the Law relating to the Sale of Intoxicating Liquors and to Drunkenness, and to provide for the Registration of Clubs. [8th August 1902.]

CHAPTER XXIX.

AN ACT for the better protection of Freshwater Fish in Scotland. [8th August 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—CLOSE TIME FOR TROUT.—From and after the passing of this Act, between the fifteenth day of October in any year and the twenty-eighth day of February in the

year following, both inclusive, there shall be an annual close time for trout in Scotland during which it shall not be lawful, except as hereinafter specified, for any person to—

(*a*) Fish for or take common trout (salmo fario) in any river, water, or loch in Scotland, by net, rod, line or otherwise; or

(*b*) have possession of common trout; or

(*c*) expose common trout for sale:

And any person who shall so fish for or take or possess or expose for sale such trout at any time within the said dates shall forfeit and pay a sum not exceeding five pounds for every such offence.

Exception in Favour of Stews and Artificial Hatcheries.—Except as hereinafter provided the provisions of this section shall not apply to the owner, occupier, or lessee of any water where trout are kept in captivity or artificially reared and fed, or to any person employed by them for the rearing or feeding of trout, or to any person to whom such trout may be consigned by them for sale or otherwise for the purposes of stocking ponds, rivers, or other waters.

But any owner, lessee, occupier, or person as aforesaid who shall, during the close time created by this Act,—

(*a*) Take from such water common trout, except for scientific or breeding purposes, or for the purpose of such trout being removed in a living state to other rivers, waters, or lochs;

(*b*) sell or expose for sale dead common trout; or

(*c*) sell or expose for sale live common trout for the purposes of food,

shall, on conviction, be deemed to have committed an offence under this section.

2.—Exceptions in Favour of Proprietors, &c., Repealed.—All persons, being the proprietors of any land through or by which any river or water flows, or on which any loch is wholly or partially situated, or having a right to fish there for trout, or having a written permission from some such proprietors or persons entitled to fish as aforesaid, shall be subject to the penal and other provisions of the Act of the twenty-third and twenty-fourth years of Victoria, chapter forty-five, in respect of fishing for trout by net (except in ponds or lochs all the proprietors of which have agreed to permit such fishing), or by what is known as double rod fishing, or cross line fishing, or set lines, or otter fishing, or burning the water, or by striking the fish with any instrument, or by pointing, or by putting into the water lime or any other substance destructive to trout, with intent to destroy the same; and the exceptions in the said Act of such proprietors and others from the penal and other provisions directed against the practices aforesaid are hereby repealed: Provided that it shall still be legal and permissible for such proprietors and others to fish for trout by net in such rivers, waters, or lochs, where such fishing is prosecuted for scientific, breeding, or restocking purposes.

3.—Penalties for Using Explosives to Kill Fresh-Water Fish.—Any person who uses or attempts to use dynamite or other explosive to catch or destroy fish in any river, water, or loch in Scotland shall be liable to the like penalties and to the like jurisdiction as if he had committed an offence under the Fisheries (Dynamite) Act, 1877 (40 & 41 Vict. c. 65).

4.—Application of Act to River Esk.—Nothing in this Act contained shall be deemed to affect the application of the provisions of the Salmon Fishery Acts, 1865 and 1873 (28 & 29 Vict. c. 121) (36 & 37 Vict. c. 71) to the river Esk, together with its bank and tributary streams, within the counties of Dumfries and Roxburgh.

5.—Short Title and Construction.—This Act may be cited as the Freshwater Fish (Scotland) Act, 1902, and shall be construed as one with the Trout (Scotland) Act, 1845, and the Trout (Scotland) Act, 1860 (8 & 9 Vict. c. 26), which are hereby amended so far as inconsistent with it.

And this and those Acts may be cited together as the Trout (Scotland) Acts, 1845 to 1902 (23 & 24 Vict. c. 45).

CHAPTER XXX.

AN ACT to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and three, and to appropriate the further Supplies granted in this Session of Parliament. [25th November 1902.]

CHAPTER XXXI.

AN ACT to amend the Supreme Court of Judicature Acts. [25th November 1902.]

CHAPTER XXXII.

AN ACT to continue various Expiring Laws. [18th December 1902.]

CHAPTER XXXIII.

AN ACT to provide for the payment of certain moneys to the Department of Agriculture and Technical Instruction for Ireland. [18th December 1902.]

CHAPTER XXXIV.

THE PATENTS ACT, 1902.

AN ACT to amend the Law with reference to Applications for Patents and Compulsory Licences, and other matters connected therewith. [18th December 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—EXAMINATION OF PREVIOUS SPECIFICATIONS IN UNITED KINGDOM ON APPLICATIONS FOR PATENTS.—(1) Where an application for a patent has been made and a complete specification has been deposited by the applicant, the examiner shall forthwith, in addition to the inquiries which he is directed to make by the Patents, Designs and Trade Marks Act, 1883 (46 & 47 Vict. c. 57), (in this Act referred to as the principal Act), make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application, and deposited pursuant to any application for a patent made in the United Kingdom within fifty years next before the date of the application.

(2) If on investigation it appears that the invention has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification.

(3) The examiner shall report to the comptroller the result of his investigations in such manner as the Board of Trade may direct.

(4) The provisions of sub-section five of section nine of the principal Act, as amended by any subsequent enactment, shall apply to reports under this section.

(5) If the comptroller is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has been wholly or in part claimed or described in a previous specification as before mentioned, he shall, in the absence of any other lawful ground of objection, accept the specification.

(6) If the comptroller is not so satisfied, he shall, after hearing the applicant, and unless the objection be removed by amending the specification to the satisfaction of the comptroller, determine whether a reference to any, and, if so, what prior specifications ought to be made in the specification by way of notice to the public.

(7) An appeal shall lie from the decision of the comptroller under this section to the law officer.

(8) Section eight of the principal Act and section three of the Patents, Designs, and Trade Marks (Amendment) Act, 1885 (48 & 49 Vict. c. 63), (which regulate the time for depositing a complete specification), shall have effect as if references therein to the period of nine months were references to the period of six months.

(9) The investigations and reports required by this section shall not be held in

any way to guarantee the validity of any patent, and no liability shall be incurred by the Board of Trade or any officer thereof by reason of, or in connection with, any such investigation or report, or any proceeding consequent thereon.

(10) The Board of Trade, with the sanction of the Treasury, may prescribe an additional fee not exceeding one pound in respect of the investigation mentioned in this section, which shall be payable on the sealing of the patent.

(11) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

2.—Limitation as to Anticipation.—An invention covered by any patent granted on an application to which section one of this Act applies shall not be deemed to have been anticipated by reason only of its publication in a specification deposited pursuant to an application made in the United Kingdom not less than fifty years before the date of the application for a patent therefor, or of its publication in a provisional specification of any date not followed by a complete specification.

3.—Amendment of Law Relating to Compulsory Licences.—Section twenty-two of the principal Act (relating to the grant of compulsory licences by the Board of Trade) is hereby repealed, and the following provisions shall be substituted therefor:—

(1) Any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent;

(2) The Board of Trade shall consider the petition, and if the parties do not come to an arrangement between themselves, the Board of Trade, if satisfied that a *primâ facie* case has been made out, shall refer the petition to the Judicial Committee of the Privy Council, and, if the Board are not so satisfied, they may dismiss the petition;

(3) Where any such petition is referred by the Board of Trade to the Judicial Committee, and it is proved to the satisfaction of the Judicial Committee that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by an Order in Council to grant licences on such terms as the said Committee may think just; or, if the Judicial Committee are of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by Order in Council;

Provided that no order of revocation shall be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default;

(4) On the hearing of any petition under this section the patentee and any person claiming an interest in the patent as exclusive licensee or otherwise, shall be made parties to the proceeding, and the law officer or such other counsel as he may appoint shall be entitled to appear and be heard;

(5) If it is proved to the satisfaction of the Judicial Committee that the patent is worked or that the patented article is manufactured exclusively or mainly outside the United Kingdom, then, unless the patentee can show that the reasonable requirements of the public have been satisfied, the petitioner shall be entitled either to an order for a compulsory licence or, subject to the above proviso, to an order for the revocation of the patent;

(6) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied if, by reason of the default of the patentee to work his patent or to manufacture the patented article in the United Kingdom to an adequate extent, or to grant licences on reasonable terms, (*a*) any existing industry or the establishment of any new industry is unfairly prejudiced, or (*b*) the demand for the patented article is not reasonably met;

(7) An Order in Council directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding;

(8) His Majesty in Council may make rules of procedure and practice for regulating proceedings before the Judicial Committee under this section; and, subject thereto, such proceedings shall be regulated according to the existing procedure and practice in patent matters. Any Order in Council or any order made by the Judicial Committee under this Act may be enforced by the High Court as if it were an order of the High Court;

(9) The costs of and incidental to all proceedings under this section shall be in the discretion of the Judicial Committee, but in awarding costs on any application for the grant of a licence the Judicial Committee may have regard to any previous request for, or offer of, a licence made either before or after the application to the Committee;

(10) For the purposes of this section three members of the Judicial Committee shall constitute a quorum;

(11) This section shall apply to patents granted before as well as after the commencement of this Act.

4.—Performance of Comptroller's Duties.—In sub-section four of section eighty-two of the principal Act (which relates to the performance of the duties of the comptroller by other officers under the direction of the Board of Trade) the words "in his absence" shall be repealed.

5.—Short Title and Construction.—This Act may be cited as the Patents Act, 1902, and may be cited and shall be construed as one with the Patents, Designs, and Trade Marks Acts, 1883 to 1901.

CHAPTER XXXV.

Electric Lighting (Scotland) Act, 1902.

An Act to amend the borrowing provisions of the Electric Lighting Act, 1882, and the Electric Lighting (Scotland) Act, 1890. [18th December 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Amount and Period of Repayment of Loans for Electric Lighting.—The amount which a local authority within the meaning of the schedule to the Electric Lighting (Scotland) Act, 1890 (53 & 54 Vict. c. 13), may borrow under section eight of the Electric Lighting Act, 1882 (45 & 46 Vict. c. 56), shall not be subject to any limit imposed on the amount which such local authority may borrow for the purposes of its gas undertaking: Provided that every loan so borrowed, with the consent of the Secretary for Scotland, after the passing of this Act, shall be repaid by the local authority within a period not exceeding thirty years from the date of borrowing.

2.—Saving.—Nothing in this Act shall affect any loan borrowed before the passing of this Act.

3.—Short Title and Extent.—This Act may be cited as the Electric Lighting (Scotland) Act, 1902, and shall extend only to Scotland.

CHAPTER XXXVI.

Mail Ships Act, 1902.

An Act to amend the Mail Ships Act, 1891. [18th December 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Amendment of 54 & 55 Vict. c. 31 as to Security for Ships Engaged in Postal Service.—(1) For sub-section (2) of section three of the Mail Ships Act, 1891, the following sub-section shall be substituted:—

"(2) The security shall be the bond of the owner guaranteed at his option either—

"(*a*) by one or more responsible sureties (whether natural or corporate persons) permanently resident within the jurisdiction of the High Court; or

"(*b*) by the payment or transfer into court of cash or of securities of the Government of the United Kingdom."

(2) In sub-section (5) of the same section, after the words "variation of conditions of the service" shall be inserted the words "change in the residence or place of business or circumstances of any surety."

2.—Short Title.—This Act may be cited as the Mail Ships Act, 1902, and the Mail Ships Act, 1891, and this Act may be cited together as the Mail Ships Acts, 1891 and 1902.

CHAPTER XXXVII.

An Act to make provision with respect to the disposition and management of His Majesty's Osborne Estate in the Isle of Wight. [18th December 1902.]

CHAPTER XXXVIII.

An Act to further amend the Law relating to Local Government in Ireland, and for other purposes connected therewith. [18th December 1902.]

CHAPTER XXXIX.

Militia and Yeomanry Act, 1902.

An Act to amend the Law relating to the Militia and Yeomanry.

[18th December 1902.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—Amendment of Law Relating to Militia and Yeomanry.—(1) For the purpose of forming reserve divisions of the militia and yeomanry, the Secretary of State may by regulations relax or dispense with the provisions of any enactment in any existing Act of Parliament relating to the training of militia and yeomanry, so far as regards their application to men in the reserve divisions, and any man in a reserve division may be transferred by the competent military authority within the meaning of Part Two of the Army Act from one corps of militia or yeomanry to another, so, however, that a militiaman or yeoman shall not, without his consent, be transferred to a corps of another arm.

(2) All regulations made in pursuance of this section shall be laid before Parliament as soon as practicable after they are made if Parliament be then sitting, and, if Parliament be not sitting, as soon as practicable after the beginning of the next session of Parliament.

(3) Sections three and four of the Militia Act, 1882 (45 & 46 Vict. c. 49), relating to maintenance and government of the militia, shall apply to yeomanry.

2.—Short Title.—This Act may be cited as the Militia and Yeomanry Act, 1902.

CHAPTER XL.

An Act to provide further Money for the Uganda Railway.

[18th December 1902.]

CHAPTER XLI.

An Act for establishing a Water Board to manage the supply of Water within London and certain adjoining Districts, for transferring to the Water Board the undertakings of the Metropolitan Water Companies, and for other purposes connected therewith. [18th December 1902.]

CHAPTER XLII.

An Act to make further provision with respect to Education in England and Wales.

[18th December 1902.]

APPENDIX.

ACT OF SEDERUNT ANENT LODGING OF PRODUCTIONS FOR PROOFS IN THE COURT OF SESSION. [31st May 1902.]

THE Lords of Council and Session, considering that by the Act 31 & 32 Victoria, chapter 100, section 106, they are empowered from time to time to make such regulations by Act of Sederunt as shall be necessary for regulating the practice of the Court of Session in respect of the matters to which the said Act relates, do hereby enact and declare :—

In all defended causes in which a proof shall be fixed for a day on or after the 15th day of October 1902, all documents, plans, maps, models and other productions which are intended to be used or put in evidence at the proof shall be lodged, according to inventory, with the Clerk of Court at his office in the Register House, on or before the fourth day prior to the day appointed for the proof, and notice of the lodging thereof shall at the same time be sent to the agent of the opposite party ; and no other production shall be used or put in evidence at the proof, unless by permission of the judge presiding thereat, on cause shown to his satisfaction, and on such terms as he expresses, or otherwise as to him shall seem proper.

And the Lords APPOINT this Act to be engrossed in the Books of Sederunt, and to be printed and published in common form.

J. B. BALFOUR, *I.P.D.*

ACT OF ADJOURNAL TO REGULATE PROCEDURE UNDER THE YOUTHFUL OFFENDERS ACT, 1901. [1 Edward VII. cap. 20.]

At Edinburgh the 31st day of May 1902.

Present—The Right Honourable the Lord Justice-General ; The Right Honourable the Lord Justice-Clerk ; The Right Honourable Lord Young ; The Honourable Lord Adam ; The Honourable Lord M'Laren ; The Right Honourable the Lord Kinnear ; The Honourable Lord Trayner ; The Honourable Lord Kyllachy ; The Honourable Lord Stormonth Darling ; The Honourable Lord Low ; The Right Honourable Lord Pearson.

THE Lord Justice-General, Lord Justice-Clerk, and Lords Commissioners of Justiciary, considering that by the Youthful Offenders Act, 1901, they are empowered to make rules for regulating the procedure under said Act, and for prescribing the manner in which an Order pronounced under said Act shall be served on a parent or other person liable to maintain a child or young person, and the time within which such parent or other person may make an application against the said Order, enact and declare as follows :—

I. Proceedings against a child or young person charged with an offence, or against his parent or guardian, shall commence by complaint in ordinary form at the instance of the Procurator-Fiscal, and shall thereafter proceed, as regards citation, service

finding of security, and other steps of procedure, as nearly as may be in accordance with the provisions of the Summary Jurisdiction (Scotland) Acts, or of any general or local Act of Parliament, or of any Act of Adjournal, regulating procedure in the Summary Criminal Court before which the complaint is brought, save as hereinafter provided.

II. On the Court of Summary Jurisdiction remitting the further proceedings in a case to the Sheriff, the Procurator-Fiscal of the Sheriff may present a complaint, and thereafter proceed in the case as if it had originated with him in the first instance.

III. An Order to maintain a child or young person may be served on the person on whom it is made either by service in common form, or by any constable or school board officer, or the agent or representative of His Majesty's Inspector of Reformatory or of Industrial Schools.

IV. Application against such Order may be made to the Court, either orally or in writing, within seven days after the date of the service or intimation of the Order; and the Court may thereon assign a diet for hearing parties, and shall proceed as may be just.

V. This Act of Adjournal shall come into operation on first July nineteen hundred and two, and in order that due notice thereof may be given to the lieges, shall be forthwith published in His Majesty's Edinburgh Gazette, and printed and circulated among all concerned.

TABLE OF ALTERATIONS

ON

THE SCOTS STATUTES REVISED

AND ON

GREEN'S SCOTS STATUTES

UP TO THE END OF

2 EDWARD VII. (1902)

Vol.	Page.	Act.	Alterations.
II.	18	3 G. IV. c. 91	Repealed by 63 & 64 V. c. 49.
,,	322	3 & 4 W. IV. c. 76	Do. do.
,,	329	,, ,, 77	Do. do.
,,	439	1 & 2 V. c. 2	Repealed, except §§ 5, 6 and 14, by 1 E. VII. c. 4.
III.	381	15 & 16 V. c. 32	Repealed by 63 & 64 V. c. 49.
IV.	41	17 & 18 V. c. 91	§ 42 altered by 2 E. VII. c. 25.
,,	92	19 & 20 V. c. 58	§ 32 repealed by 63 & 64 V. c. 49.
,,	206	21 & 22 V. c. 56	§ 10 and schedules (D) and (E) altered by 63 & 64 V. c. 55, § 5.
,,	260	23 & 24 V. c. 45	§ 1 altered by 2 E. VII. c. 29, § 2.
,,	262	,, ,, 47	Repealed by 63 & 64 V. c. 49.
,,	309	24 & 25 V. c. 36	Do. do.
,,	395	25 & 26 V. c. 89	§ 18 from "a certificate" to end repealed by 63 & 64 V. c. 48, § 33.
,,	397	,, ,,	§ 26 altered by 63 & 64 V. c. 48, § 19.
,,	400	,, ,,	Words "and not having a capital divided into shares" in §§ 45 and 46 repealed by 63 & 64 V. c. 48, § 20. In § 138 add after "contributory," in second line, "or any creditor" (63 & 64 V. c. 48, § 25).
,,	414	,, ,,	§ 192 repealed by 63 & 64 V. c. 48, § 33.
,,	424	,, ,,	For "two shillings and ninepence" in note 3 substitute "three shillings and one penny" (63 & 64 V. c. 7, § 2 (2)).
,,	464	26 & 27 V. c. 7	In § 17 for "of actual or apprehended invasion of any part of the United Kingdom" substitute "of imminent national danger or of great emergency" (63 & 64 V. c. 39, § 1).
,,	483	,, ,, 65	Delete words "secretary, clerk and" in first line, and from "six hundred" in third line to "clerk and" in fifth line (63 & 64 V. c. 54, § 2).
V.	43	27 & 28 V. c. 59	§§ 25, 38 and 39 repealed by 63 & 64 V. c. 48, § 33.
,,	247	30 & 31 V. c. 131	Repealed by 63 & 64 V. c. 49.
,,	416	31 & 32 V. c. 108	Do. do.
,,	594	33 & 34 V. c. 92	§ 2 altered by 63 & 64 V. c. 48, § 24
,,	597	,, ,, 140	§ 22 (2) repealed by 63 & 64 V. 49.
VI.	76	35 & 36 V. c. 33	

TABLE OF ALTERATIONS—*continued.*

Vol.	Page.	Act.	Alterations.
VI.	111	35 & 36 V. c. 62	§§ 69 and 73 repealed by 1 E. VII. c. 9, § 4.
,,	119	,, ,, 77	In § 4 "twelve" altered to "thirteen" by 63 & 64 V. c. 21.
,,	283	38 & 39 V. c. 41	3 altered by 63 & 64 V. c. 55, § 9.
,,	330	39 & 40 V. c. 12	Repealed by 63 & 64 V. c. 49.
,,	340	,, ,, 25	Do. do.
,,	350	,, ,, 36	§ 20 repealed by 1 E. VII. c. 7, § 10 (4).
,,	500	40 & 41 V. c. 59	§ 19 altered by 63 & 64 V. c. 62, § 1.
,,	519	41 & 42 V. c. 16	Repealed by 1 E. VII. c. 22.
,,	637	,, ,, 78	§ 5, § 6 from "and no child" to "to the first day of April," and from "A School Board" to end; and "hereinbefore" in § 7, repealed by 1 E. VII. c. 9.
VII.	34	43 V. c. 19	In § 7 (5) add "or creditor" after "member" in lines 1 and 3, and substitute "or otherwise" for "and" in line 5 (63 & 64 V. c. 48, § 26 (2)).
,,	220	44 & 45 V. c. 58	§ 70 altered by 1 E. VII. c. 2, § 4.
,,	334	45 & 46 V. c. 56	§ 8 altered by 2 E. VII. c. 35.
,,	308	46 & 47 V. c. 53	Repealed by 1 E. VII. c. 22.
,,	463	,, ,, 56	§§ 4, 6, 7 and 8 repealed by 1 E. VII. c. 9, § 4.
,,	465	,, ,, 57	In § 8 "six" substituted for "nine" months; § 22 repealed and other provisions substituted, and in § 82 (4) "in his absence" repealed by 2 E. VII. c. 34.
,,	486	,, ,,	§ 103 altered by 1 E. VII. c. 18, § 1.
,,	561	48 & 49 V. c. 63	In § 3 "six" substituted for "nine" months by 2 E. VII. c. 34.
VIII.	316	52 & 53 V. c. 62	Repealed by 1 E. VII. c. 22.
,,	342	53 & 54 V. c. 8	In § 26 (1) substitute "October" for "July" and "November" for "October" (1 E. VII. c. 7, § 13).
,,	347	,, ,, 13	Schedule amended by 2 E. VII. c. 35.
,,	467	54 & 55 V. c. 31	§ 3 altered by 2 E. VII. c. 36.
,,	527	,, ,, 39	§§ 93 *et seq.* altered by 1 E. VII. c. 7, § 11.
,,	579	,, ,, 75	Repealed by 1 E. VII. c. 22.
,,	670	55 & 56 V. c. 55	§§ 232, 361, 362 and 364 in whole, and §§ 227, 340 and 347 in part repealed by 1 E. 7 c. 24. §§ 233, 236, 261, 264, 347 and 363 altered by 1 E. VII. c. 24, §§ 4 and 6.
IX.	411	58 & 59 V. c. 37	Repealed by 1 E. VII. c. 22.
,,	492	59 & 60 V. c. 33	§ 1 altered and extended by 2 E. VII. c. 5.
,,	495	,, ,, 37	Continued till 31st March 1906 by 1 E. VII. c. 13, § 2.
,,	555	60 & 61 V. c. 38	§§ 101, 113, 133, 134, and 137 repealed, and § 147 altered by 1 E. VII. c. 24.
		,, ,, 58	Repealed by 1 E. VII. c. 22.
X.	103	63 & 64 V. c. 7	§ 8 repealed by 1 E. VII. c. 7, § 10 (4).
,,	113	,, ,, 27	In § 13 (3), "factory, workshop or," wherever they occur, and "the occupier of the factory or workshop or," repealed by 1 E. VII. c. 22.

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THE

SCOTS STATUTES, 1903,

PASSED IN THE THIRD YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

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THE

SCOTS STATUTES, 1903,

PASSED IN THE THIRD YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

CHAPTER I.

An Act to make provision for a Bank Holiday in Ireland on the seventeenth day of every March. [27*th March* 1903.]

CHAPTER II.

An Act to provide for the Authorisation of Races with Light Locomotives in Ireland. [27*th March* 1903.]

CHAPTER III.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and two, one thousand nine hundred and three, and one thousand nine hundred and four. [27*th March* 1903.]

CHAPTER IV.

An Act to provide during Twelve Months for the Discipline and Regulation of the Army. [30*th April* 1903.]

CHAPTER V.

BERWICKSHIRE COUNTY TOWN ACT, 1903 (s. 3).

An Act to constitute the Town of Duns to be the Head Burgh or County Town of Berwickshire [30*th June* 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Constitution of Duns as County Town.—The town of Greenlaw, in the shire of Berwick, shall cease to be the head burgh or county town of the said shire, and the town of Duns in the said shire is hereby constituted and declared to be the head burgh or county town of the shire for the purposes of civil and criminal jurisdiction, and for all other purposes and to all other effects whatsoever.

2.—Repeal of Act of Parliament of Scotland, 9th October 1696, and 16 & 17 Vict. c. 27.—The Act passed by the Parliament of Scotland held by King William at Edinburgh the ninth day of October, in the year one thousand six hundred and ninety-six, intituled "An Act declaring the Burgh of Greenlaw the head burgh of the Shire of Berwick," and the Berwickshire Courts Act, 1853, are hereby repealed.

3.—Short Title.—This Act may be cited as the Berwickshire County Town Act, 1903.

CHAPTER VI.

Naval Forces Act, 1903 (s. 6).

An Act to provide for the Constitution of a Royal Naval Volunteer Reserve, and a Force of Royal Marine Volunteers, and otherwise amend the Law relating to His Majesty's Naval Forces. [30*th June* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Power to Raise New Naval Volunteer Force.—(1) It shall be lawful for the Admiralty to raise and maintain a force to be called the Royal Naval Volunteer Reserve.

(2) The provisions of the Royal Naval Reserve (Volunteer) Act, 1859, as amended by any subsequent enactment, shall apply to the force so raised, subject to the following modifications, namely;—

(i) Section two, section three, the proviso to section five, and section twenty of the Royal Naval Reserve (Volunteer) Act, 1859 (relating to conditions of service), so much of section six as relates to naval pay, and sections nine and ten of that Act (relating to pay and pensions), shall not apply to the force raised under this section:

(ii) The Admiralty may make regulations for carrying into effect the provisions of this section, and in particular for adapting to volunteers enrolled under this section the provisions of the Volunteer Act, 1863, which relate to the power of volunteers to quit the corps when not on actual service, and to rules and property of the corps.

2.—Royal Marine Volunteers.—(1) It shall be lawful for the Admiralty to raise and maintain a force of Royal Marine Volunteers, and for that purpose the Admiralty may make regulations as to the enrolment of men to serve in that force.

(2) The volunteers so enrolled shall be subject to the provisions of the enactments for the time being in force relating to volunteers, provided that when subject to military law, the Army Act shall apply to them as it applies to the Royal Marines, and that when called out for actual service or voluntarily serving for training afloat, they shall be available for service beyond the seas.

(3) In the application of the enactments relating to the volunteers to the Royal Marine Volunteers, the Admiralty shall be substituted for a Secretary of State, and the Admiralty may make regulations for adapting those enactments where necessary to the Royal Marine Volunteers.

3.—Payment of Volunteers on Actual Service or when Training Afloat.—Where a volunteer enrolled under this Act is serving for training afloat or is called out for actual service, he shall be deemed to be serving in His Majesty's naval or marine force within the meaning of the Naval and Marine Pay and Pensions Act, 1865, as amended by any subsequent enactment, and those enactments shall apply accordingly.

4.—Engagement of Non-continuous Service Men.—(1) Where, after the passing of this Act, a man or boy is entered for non-continuous service in the naval service of

His Majesty, he may, if regulations made by the Admiralty so prescribe, be engaged for a period not exceeding twelve years, on the terms that after such number of years' service in the Navy as the regulations prescribe, and as may be specified in his engagement paper, he shall be liable to serve for the residue of the term of his engagement in the Royal Fleet Reserve.

(2) The expression "Royal Fleet Reserve" means the division of the Royal Naval Reserve raised under the Naval Reserve Act, 1900.

5.—Removal of Restriction on Numbers of Naval Reserve.—The Royal Naval Reserve and the Royal Fleet Reserve shall consist of such number of men as the Admiralty may determine, and in section one of the Royal Naval Reserve (Volunteer) Act, 1859, the words "not exceeding thirty thousand," and in section one of the Naval Reserve Act, 1900, the words "not exceeding fifteen thousand in number," shall be repealed.

6.—Short Title.—This Act may be cited as the Naval Forces Act, 1903.

CHAPTER VII.

Coal Mines Regulation Act (1887) Amendment Act, 1903 (s. 2).

An Act to amend the Coal Mines Regulation Act, 1887. [30*th June* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Amendment of 50 & 51 Vict. c. 58, s. 23 (1).—From and after the passing of this Act, section twenty-three, sub section (1), of the Coal Mines Regulation Act, 1887, shall be read and construed as if the words following were added thereto at the end of the said sub-section, viz.:—

> "Or unless he has received a diploma in scientific and mining training after a course of study of at least two years at any university, university college, mining school, or other educational institution to be approved of by a Secretary of State, or has taken a degree of any university to be so approved of which includes scientific and mining subjects, and has also had practical experience in a mine for at least three years. The approval of the Secretary of State shall be signified in writing under his hand, and may be given subject to such conditions as he may think fit, and may be revoked at any time."

2.—Short Title.—This Act may be cited as the Coal Mines Regulation Act (1887) Amendment Act, 1903.

CHAPTER VIII.

Finance Act, 1903 (s. 7).

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. [30*th June* 1903.]

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.—Customs and Excise.

1.—Duty on Grain, &c. to Cease.—(1) On the first day of July nineteen hundred and three the duties on grain and other articles imposed by section one of the Finance Act, 1902, and the drawbacks allowed under that section, shall cease and determine.

(2) On and after the first day of July nineteen hundred and three, the amount of the duties on glucose referred to in section six of the Finance Act, 1902, shall be the same as if that section had not been passed.

(3) The Commissioners of Customs shall have power, and shall be deemed to have had power as from the twenty-fourth day of April nineteen hundred and three, to remit any charge payable under the last paragraph but one in the schedule to the Customs Tariff Act, 1876, on the delivery of any grain or any of the articles mentioned in the First Schedule to the Finance Act, 1902, from warehouse for home consumption, and they may return the amount of any such charge paid on or after that date.

(4) If any person proves to the satisfaction of the Commissioners of Customs that he had in his stock or possession at the close of the thirtieth day of June nineteen hundred and three :—

(*a*) any grain or articles on which duty of an aggregate amount of not less than twenty-five pounds has been paid under section one of the Finance Act, 1902 ; or

(*b*) any solid or liquid glucose on which an excess duty of an aggregate amount of not less than twenty-five pounds has been paid ;

the Commissioners of Customs may remit and pay to that person the amount of the duty so paid, or, in the case of glucose, the amount of the excess duty.

For the purposes of this sub-section duty shall be treated as having been paid on an article if it has been paid on any part, ingredient, or material of the article, and "excess duty" means the additional sixpence per hundredweight payable under section six of the Finance Act, 1902.

A person shall not be entitled to any payment under this sub-section unless he claims that payment in writing from the Commissioners of Customs before the fourteenth day of July nineteen hundred and three.

2.—Duty on Tea.—The duty of customs now payable on tea shall continue to be charged, levied, and paid, until the first day of August nineteen hundred and four, on the importation thereof into Great Britain or Ireland ; that is to say—

Tea, the pound, sixpence.

3.—Continuance of Additional Customs Duty and Drawbacks on Tobacco, Beer, and Spirits.—The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of August nineteen hundred and four, and, as regards the period for which any additional drawbacks are allowed under those sections, nineteen hundred and four shall be substituted for nineteen hundred and one.

4.—Continuance of Additional Excise Duties and Drawbacks on Beer and Spirits.—The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900, shall continue to be charged, levied, and paid until the first day of August nineteen hundred and four, and, as regards the period in respect of which any additional drawback is allowed under the said section six, nineteen hundred and four shall be substituted for nineteen hundred and one.

Part II.—Income Tax.

5.—Income Tax for 1903-1904.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and three shall be charged at the rate of elevenpence.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and three shall have full force and effect with respect to the duty of income tax hereby granted.

(3) Section ten of the Customs and Inland Revenue Act, 1883 (which related to duty on dividends, &c. paid prior to the passing of the Act), shall be applied with respect to the year which commenced on the sixth day of April nineteen hundred and three as it was applied with respect to the year which commenced on the sixth day of April eighteen hundred and eighty-three, and as if it were re-enacted in this Act with the necessary change of date.

Part III.—National Debt.

6.—Amount of Permanent Annual Charge for National Debt.—(1) The amount of the permanent annual charge for the National Debt during the current and every subsequent financial year shall be the sum of twenty-seven million pounds, and "twenty-seven" shall be substituted for "twenty-three" in section one of the Sinking Fund Act, 1875, as amended by subsequent Acts.

(2) Any interest or dividends on any stock, bonds, or other securities issued under the Acts specified in the First Schedule to this Act shall, notwithstanding anything in section two of the National Debt and Local Loans Act, 1887, be paid as part of the permanent annual charge for the National Debt.

Part IV.—General.

7.—Repeal, Construction, and Short Title.—(1) The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(2) Part I. of this Act so far as relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876, and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

(3) This Act may be cited as the Finance Act, 1903.

SCHEDULES.

FIRST SCHEDULE.

Acts creating War Debt.

63 Vict. sess. 2, c. 2	The Treasury Bills Act, 1899.
63 & 64 Vict. c. 2	The War Loan Act, 1900.
63 & 64 Vict. c. 61	The Supplemental War Loan Act, 1900.
64 Vict. sess. 2, c. 1	The Supplemental War Loan (No. 2) Act, 1900.
1 Edw. 7, c. 12	The Loan Act, 1901.
2 Edw. 7, c. 4	The Loan Act, 1902.

SECOND SCHEDULE.

Acts Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
62 & 63 Vict. c. 9	The Finance Act, 1899.	Section sixteen.
63 & 64 Vict. c. 2	The War Loan Act, 1900.	In section three, the words "but the "principal and interest and other sums "so charged shall not be payable as "part of the permanent annual charge "for the National Debt."
2 Edw. 7, c. 7	The Finance Act, 1902.	Sections one, six, and the First and Second Schedules as from the first day of July nineteen hundred and three.

CHAPTER IX.

County Councils (Bills in Parliament) Act, 1903, s. 3.

An Act to empower County Councils to promote Bills in Parliament. [21*st July* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Power to County Council to Promote Bills in Parliament.—(1) The powers conferred by section fifteen of the Local Government Act, 1888, on the council of a county to oppose Bills in Parliament shall be extended so as to authorise them to promote Bills as well as to oppose them.

(2) The county council may determine that any expenses incurred in pursuance of section fifteen of the Local Government Act, 1888, as amended by this Act, are to be regarded as incurred for special county purposes, but any such determination shall be forthwith notified to the overseers of any parish liable to be assessed in pursuance of such determination, and shall be subject to appeal, within twenty-one days, at the instance of the overseers of any parish so liable, to the Local Government Board, whose decision shall be final.

(3) For the purpose of deciding any such appeal, sub-sections (1) and (5) of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply.

(4) The powers conferred by this section shall be in addition to, and not in derogation of, any powers possessed by the London County Council.

(5) Proviso (*b*) to section fifteen of the Local Government Act, 1888, which relates to the promotion of Bills in Parliament by a county council, is hereby repealed.

2.—Amendment of Local Government (Scotland) Act, 1889.—Notwithstanding any provision to the contrary therein contained, the powers conferred on the council of a county in Scotland by section fifty-six of the Local Government (Scotland) Act, 1889, as read with sub-section (1) of section eleven of the Private Legislation Procedure (Scotland) Act, 1899, shall be extended so as to authorise such council to promote Provisional Orders or Bills under or in pursuance of the last-mentioned Act as well as to oppose them. Section one of this Act shall not apply to Scotland.

3.—Short Title and Commencement.—(1) This Act may be cited as the County Councils (Bills in Parliament) Act, 1903.

(2) It shall come into operation on the first day of October nineteen hundred and three.

CHAPTER X.

An Act to provide for the borrowing by Local Education Authorities for certain purposes. [21*st July* 1903.]

CHAPTER XI.

An Act to remove Doubts as to the Mode of Execution of certain Contracts entered into on behalf of the Secretary of State for India in Council. [21*st July* 1903.]

CHAPTER XII.

Post Office (Money Orders) Act, 1903 (s. 2).

An Act to enable the Postmaster General to issue Postal Orders of the value of Twenty-one Shillings. [21*st July* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Alteration of Maximum Amount of Postal Orders.—The maximum amount of an order issued in pursuance of the Post Office (Money Orders) Act, 1880, as

amended by the Post Office (Money Orders) Act, 1883, shall be twenty-one shillings, and accordingly "twenty-one" shall be substituted for "twenty" in section two of the last-mentioned Act.

2.—Short Title.—This Act may be cited as the Post Office (Money Orders) Act, 1903, and may be cited with the Post Office Acts, 1837 to 1898, and may be cited with and shall be construed as one with the Post Office (Money Orders) Acts, 1848 to 1883.

CHAPTER XIII.

An Act to amend the Elementary Education (Defective and Epileptic Children) Act, 1899. [21*st July* 1903.]

CHAPTER XIV.

An Act to amend the Borough Funds Act, 1872. [11*th August* 1903.]

CHAPTER XV.

An Act to amend section ten of the Local Government Act, 1888. [11*th August* 1903.]

CHAPTER XVI.

An Act for the acquisition of certain land in Dublin as a site for a proposed Royal College of Science and other offices and buildings for the public service, and for purposes connected therewith. [11*th August* 1903.]

CHAPTER XVII.

An Act to amend the Metropolitan Streets Act, 1867. [11*th August* 1903.]

CHAPTER XVIII.

Pistols Act, 1903 (s. 1).

An Act to regulate the sale and use of Pistols or other Firearms. [11*th August* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Short Title.—This Act may be cited as the Pistols Act, 1903.

2.—Definition of Terms.—In this Act the term "pistol" means a firearm or other weapon of any description from which any shot, bullet, or other missile can be discharged, and of which the length of barrel, not including any revolving detachable or magazine breach, does not exceed nine inches.

The term "gun or game licence" means a licence to use or carry a gun granted under the Gun Licence Act, 1870, or a licence or certificate to kill game granted under the laws of excise in that behalf.

The term "antique pistol" shall not include any pistol with which ammunition is sold, or which there is reasonable ground for believing is capable of being effectually used.

3.—Sale or Hire of Pistols.—It shall be unlawful to sell by retail, or by auction, or let on hire a pistol to any person, unless at the time of sale or hire such person either produces a gun or game licence then in force, or gives reasonable proof that he is a person entitled to use or carry a gun without a gun or game licence by virtue of section seven of the Gun Licence Act, 1870, or that, being a householder, he purposes to use such pistol only in his own house or the curtilage thereof, or that he is about to proceed abroad for a period of not less than six months, and produces a statement to that effect, signed by himself and by a police officer of the district within which he resides, of rank not lower than that of inspector, or by himself and by a justice of the peace.

Every person who sells by retail or lets on hire a pistol shall, before delivery, make, or cause to be made, an entry in a book to be kept for that purpose, specifying the description of the pistol, whether single barrel, magazine, revolver, pin, rim, or centre fire, sold or let on hire, the date of such sale or hire, the name and address of the purchaser or hirer, and the office from which the gun or game licence produced by the purchaser was issued, the date of such licence, or the circumstances exempting such purchaser or hirer from having such licence. Such book must be produced for inspection on the request of any officer of police, or any officer of Inland Revenue.

If any person—

(*a*) Contravenes any of the foregoing provisions of this section; or

(*b*) On the sale, purchase, or hire of a pistol knowingly makes, or causes to be made, any false entry or statement as to any matter concerning which he is required by this section to make an entry or statement,

he shall be liable to a penalty not exceeding five pounds.

4.—Persons Under Eighteen Years.—Any person who being under the age of eighteen years, and not being exempt by virtue of section seven of the Gun Licence Act, 1870, from incurring a penalty for using or carrying a gun without a gun or game licence, buys, hires, uses, or carries a pistol, shall be liable to a penalty not exceeding forty shillings, and any person who knowingly sells or delivers a pistol to any person under such age, and not being so exempt, shall be liable to a penalty not exceeding five pounds.

The court may make such order as to the forfeiture or disposal of any pistol found in the possession of a person being under the age of eighteen years, and liable to a penalty under this Act, as to the court may seem fit.

5.—Sale of Pistols to Insane or Intoxicated Person.—Any person who shall knowingly sell a pistol to any person who is intoxicated or is not of sound mind shall be liable to a penalty not exceeding twenty-five pounds, or to be imprisoned with or without hard labour for a period not exceeding three months.

6.—Proceedings in Court of Summary Jurisdiction.—Any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any summary order under this Act may be made, in manner provided by the Summary Jurisdiction Acts.

7.—Legal Proceedings in Scotland.—For the purposes of the application of this Act to Scotland any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any summary order under this Act may be made, in manner provided by the Summary Jurisdiction (Scotland) Acts.

8.—Pistols as Curiosities or Ornaments.—The provisions of this Act shall not apply where an antique pistol is sold as a curiosity or ornament.

9.—Extent of Act.—This Act shall not apply to Ireland.

CHAPTER XIX.

An Act to give power to dissolve School Districts formed under the Acts relating to the relief of the poor, and for facilitating adjustments on alterations of areas or authorities under those Acts. [11*th August* 1903.]

CHAPTER XX.

Patriotic Fund Reorganisation Act, 1903, s. 5.

An Act to reorganise the Administration of the Patriotic Fund. [11*th August* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Incorporation of Royal Patriotic Fund.—(1) There shall be established a Royal Patriotic Fund Corporation, which shall be a body corporate by that name, with perpetual succession and a common seal, and power to acquire and hold lands without licence in mortmain.

(2) The constitution, rights, powers, and duties of the Corporation shall be determined in accordance with the First Schedule to this Act.

2.—Objects of Corporation.—The property of the Corporation shall, subject to any special trust relating to any part thereof, be administered by the Corporation for the benefit of the widows, children, and dependents of officers and men of the naval and military forces of the Crown.

3.—Transfer of Administration of Patriotic Fund to Corporation.—(1) The Patriotic Fund Commission is hereby dissolved, and the property, rights, duties, and liabilities thereof, and all property held in trust therefor, are hereby transferred to and vested in the Royal Patriotic Fund Corporation.

(2) The officers and clerks in the service of the Patriotic Fund Commission shall be transferred and attached to the Royal Patriotic Fund Corporation: Provided that such persons shall not by reason of the transfer be in any worse position legally in respect of their salaries, tenure of office, or superannuation allowances than they would have been if this Act had not passed.

(3) References in any deed, will, or other instrument to the Patriotic Fund Commission shall, unless a contrary intention appears, be construed as references to the Royal Patriotic Fund Corporation.

4.—Repeal.—The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

5.—Short Title and Commencement.—(1) This Act may be cited as the Patriotic Fund Reorganisation Act, 1903.

(2) It shall come into operation on the first day of January nineteen hundred and four.

SCHEDULES.

FIRST SCHEDULE, s. 1.

Constitution of Corporation.

1. Constitution of Corporation.—The Corporation shall consist of the following persons, namely:—

(*a*) Twelve members nominated by His Majesty by warrant under the sign manual, who shall be appointed for a term of three years, but shall be eligible for re-appointment, and who are referred to as "appointed members."

(*b*) The lord lieutenants of counties.

(*c*) The chairman for the time being of every council of a county: Provided that a county council may, if the chairman is unable or unwilling to act, appoint some other person in place of the chairman, to be a member of the Corporation, and any person so appointed shall hold office for one year from the time of his appointment.

(*d*) Every person for the time being entitled to the style of Lord Mayor, and the mayor for the time being of every county borough in England, Wales, and Ireland.

(*e*) Every person for the time being entitled to the style of Lord Provost, and the provost for the time being of every royal, Parliamentary or police burgh in Scotland with a population of or exceeding 50,000 according to the census for the time being last taken: provided that any question as to the persons entitled to the style of Lord Provost may be decided by the Secretary for Scotland, and his decision shall be final.

(*f*) Any number of persons not exceeding seven whom the council of the Corporation may think fit to co-opt as members, each of whom shall have been nominated as the representative of a charitable fund founded for the like purposes as the Corporation.

2. Filling Vacancies.—If during the three years immediately succeeding the commencement of this Act any vacancy occurs by death, resignation, or otherwise among the appointed members, His Majesty may appoint some person to supply the vacancy, and that person shall hold office until the expiration of the three years.

After the expiration of the three years the appointed members shall be selected as follows; namely, six members shall be appointed by His Majesty by warrant under the sign manual, and the remaining six members shall be co-opted by the general council, and the members so

appointed or co-opted shall hold office for a term of three years, but shall be eligible for re-appointment or co-optation by His Majesty or by the council.

Where any vacancy occurs by death, resignation, effluxion of time, or otherwise in the office of any member so appointed or co-opted, the vacancy shall be filled by appointment by His Majesty or by co-optation, as the case may be. Any member so appointed or co-opted shall hold office for three years, and shall be eligible for re-appointment or co-option.

3. General Council.—The powers and duties of the Corporation shall be exercised and performed by the general council of the Corporation, consisting of the whole of the members, and by an executive committee appointed from among the members.

4. Meetings of Council.—The general council shall meet once at least in every year, and shall also meet when required to meet by a requisition in writing signed by not less than ten members of the Corporation, and seven members shall constitute a quorum of the general council.

5. President and Vice-President.—(*a*) One of the members of the Corporation appointed by the Crown shall be nominated by the Crown as president of the council.

(*b*) The chairman of the executive committee shall be elected by the committee and shall be the vice-president of the council.

6. Executive Committee.—The executive committee shall consist of not less than twelve nor more than twenty members of the Corporation, of whom three shall constitute a quorum. Four members in the first instance, and thereafter one member of the committee, shall be appointed by the Treasury, two by the First Lord of the Admiralty, two by the Secretary of State for War, and the remaining members shall be appointed by the general council.

7. Functions of the Executive Committee.—The business and affairs of the Corporation shall be conducted by the executive committee under the control of the general council, who may make general rules for, or give special directions to, the committee, but subject to any such rules or directions the committee shall regulate their own procedure. General rules made by the council may provide for the formation of local committees for purposes connected with the fund (the members of which need not be members of the Corporation), and may regulate the functions of those committees, and may provide for other matters incidental to the due conduct of the business of the Corporation.

8. Treasurer of Corporation.—The Paymaster-General shall be the treasurer of the Corporation, and he shall keep such accounts on behalf of the Corporation as the Treasury may from time to time direct.

9. Deposit of Securities in Bank of England.—All securities belonging to the Corporation shall be deposited in the Bank of England for the credit and at the disposal of the Corporation, and all interest and dividends accruing on such securities shall from time to time be received by the Bank of England, and shall be carried by them to the cash account of the Paymaster-General in their books.

10. Proceeds of Sale to be carried to Account of Paymaster-General.—On the sale at any time under the authority of the Corporation of any annuities, stocks, funds, or securities standing to their account in the books of the Bank of England, and of any securities belonging to the Corporation deposited with the Bank of England, the proceeds of the sales shall be received by the Bank, and shall be carried by them to the cash account of the Paymaster-General in their books.

11. Audit of Accounts.—The accounts of the receipts and expenditure of the Corporation shall be audited in such manner and by such persons as the Treasury may from time to time direct.

12. Secretary, Clerks, etc.—The Corporation may employ a secretary, clerks, and servants at salaries, and the said salaries and all other proper expense of the Corporation shall be paid out of the funds at the disposal of the Corporation.

13. Superannuation Fund.—The general council may establish a scheme of pensions for persons in the permanent employment of the Corporation, and for that purpose may create a superannuation fund, one half of which shall be furnished by contributions from the beneficiaries, and the other half of which shall be furnished from the funds at the disposal of the Corporation.

14. Power to receive Subscriptions.—The Corporation may from time to time solicit and receive contributions from the public and donations of property for the purposes of the Corporation, and may also receive any such sums as may be granted by Parliament.

15. Annual Report of Corporation.—The Corporation shall in each year make a report of their proceedings to His Majesty.

SECOND SCHEDULE.

ENACTMENTS REPEALED, s. 4.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 98 .	The Patriotic Fund Act, 1867 . . .	The whole Act.
44 & 45 Vict. c. 46 .	The Patriotic Fund Act, 1881 . . .	The whole Act.
49 & 50 Vict. c. 30 .	The Patriotic Fund Act, 1886 . . .	The whole Act.
62 & 63 Vict. c. 45 .	The Patriotic Fund Act, 1899 . . .	The whole Act.

CHAPTER XXI.

SUGAR CONVENTION ACT, 1903, s. 4.

An Act to make provision for giving effect to a Convention signed the fifth day of March nineteen hundred and two, in relation to Sugar. [11*th August* 1903.]

WHEREAS His Majesty the King and divers foreign Powers have entered into a Convention signed the fifth day of March, nineteen hundred and two, in relation to sugar; and it is expedient to give effect to that Convention:

And whereas provision is made under Article VII. of the Convention for the establishment of a permanent commission with a permanent bureau attached to it charged with watching the execution of the provisions of the Convention (in this Act referred to as the Permanent Commission):

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—POWERS WITH RESPECT TO BOUNTY-FED SUGAR.—(1) Where it is reported by the Permanent Commission that any direct or indirect bounty is granted in any foreign country on the production or export of sugars, His Majesty may, by Order in Council, make a prohibition order, that is to say, an order prohibiting sugar from that foreign country to be imported or brought into the United Kingdom, subject to any provision which may be made by Parliament in lieu of such prohibition to impose a special duty on such sugar in accordance with the Convention.

(2) While a prohibition order is in force the laws relating to Customs shall apply as if the sugar in respect of which the Order is made were specified in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876.

(3) His Majesty may, by Order in Council, make such regulations as appear to him necessary, in relation to any Order under this section, and may by those regulations in particular require the origin of all sugar imported or brought into the United Kingdom, whether in transit or otherwise, to be proved by such certificate or other evidence as may be provided in the Order.

(4) An Order made under this section shall not apply to molasses nor, except as expressly mentioned in this section, to sugar in transit.

(5) Any share of the expenses on account of the organisation and working of the Permanent Commission as determined in pursuance of the Convention, and any expenses incurred in connection with the attendance of delegates at the Commission, shall be paid out of moneys provided by Parliament.

2.—REGULATIONS AS TO SUGAR REFINERIES AND FACTORIES.—His Majesty may, by Order in Council, declare that every sugar factory and sugar refinery and factory for the extraction of sugar from molasses in the United Kingdom shall be subject to

the supervision either of the Commissioners of Customs or of the Commissioners of Inland Revenue; and those Commissioners may respectively make regulations—

(*a*) for prohibiting the carrying on of any such factory or refinery otherwise than by persons authorised, and in premises approved, by the Commissioners and, if required, entered for the purpose; and for giving officers of the Commissioners powers of entry into any part of the premises at any time; and

(*b*) for securing the payment of duty (including any charge which there is power to make under the law for the time being in force, on the delivery of goods for home consumption), and regulating the time and mode of, and the general arrangements to be made for, that payment, and for preventing any claim to drawback where duty has not been paid, and for regulating the removal of any sugar to or from the premises, the storage of finished sugar, and the return of sugar for the purpose of further refinement; and

(*c*) for making such entries in relation to the various processes in the manufacture of sugar as may be required by the Commissioners, and for enabling the officers of the Commissioners to inspect those entries; and

(*d*) for applying any provisions of the laws of Customs (including the Manufactured Tobacco Act, 1863) or of the laws of Excise; and

(*e*) for attaching penalties not exceeding fifty pounds to any breach of or failure to comply with any regulation made under this section, and providing for the recovery and application of the penalty, and for the forfeiture of any article in respect of which any offence against the regulations is committed;

and the duties payable under the Finance Act, 1901, or any Act amending that Act, shall be taken on the delivery of any article from the factory or refinery, and shall be the same as those payable on the like articles on importation.

3.—Revocation of Orders and Saving.—(1) His Majesty may by Order in Council revoke, alter, or add to any Order in Council made under this Act.

(2) Nothing in this Act shall apply to glucose.

4.—Short Title.—This Act may be cited as the Sugar Convention Act, 1903.

CHAPTER XXII.

An Act to make further provision for the construction of works in the United Kingdom and elsewhere for the purposes of the Royal Navy. [11*th August* 1903.]

CHAPTER XXIII.

An Act to provide for a Special Grant to be used for the purposes for the Development of Ireland. [11*th August* 1903.]

CHAPTER XXIV.

An Act to extend and adapt the Education Act, 1902, *to London.*

[14*th August* 1903.]

LICENSING [SCOTLAND] ACT, 1903, s. 108.

[3 Edw. 7. Ch. 25.]

ARRANGEMENT OF SECTIONS.

Part I.—Constitution of Licensing and Appeal Courts.

Section.
1. Meetings of licensing courts for granting certificates.
2. Burgh licensing courts.
3. County licensing courts.
4. Burgh and county courts of appeal.
5. Election and term of office of members of courts.
6. Dates of half-yearly meetings.

Section.
7. Transfer of powers and duties.
8. Clerks to courts and time and place of meetings.
9. Persons interested not to act as members of court.
10. Supplemental and local provisions.

PART II.—POWERS, DUTIES, AND PROCEDURE OF LICENSING AND APPEAL COURTS.

11. Certificates to keep inns, etc. to be granted at meetings.
12. Dates of commencement and termination of certificate.
13. Confirmation of new certificates required.
14. Form, etc. of applications for certificates.
15. Licensing court may make regulations regarding applications.
16. Names and designations of applicants and result of applications to be entered in a book.
17. Lists of applications and certificate holders to be published, etc.
18. Certificate of character and attendance of holder not necessary for renewal of certificate.
19. Certain parties may object to the granting or renewal of certificates.
20. Court may hear certain objections without notice.
21. Power to courts to summon witnesses.
22. Appeal from decision of licensing court to court of appeal.
23. Refusal of new certificate by licensing court to be final.
24. Penalty on clerk for unduly giving or refusing certificate.
25. List of persons who have obtained certificates to be sent to the inland revenue collector of the district.
26. Clerk to make a duplicate of the certificate when required.
27. Fees to clerks.
28. Proceedings for confirming new certificate.
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30. Deliverances to be entered in book or register.
31. Powers to transfer certificates.
32. Form of transfer of certificate.
33. Power to postpone consideration of application.
34. Forms of certificates.
35. Power to vary form and hours of certificates.
36. Certificate to be confined to one house and premises.
37. Certificates for the sale of spirits and wine to include authority to sell porter, ale, beer, etc.
38. Six-day and early closing certificates.
39. Certificates granted contrary to this Act void.
40. Special permission to keep houses, etc. open during particular times.
41. Licensing court may make bye-laws.
42. Control of licensing court over structure of licensed premises.

PART III.—EXCISE LICENCES.

43. Excise licence for exciseable liquors not to be granted without certificate.
44. Excise licence for table beer not to be granted without certificate.
45. Excise licence for sweets not to be granted without certificate.
46. Forfeiture of excise wholesale licences in certain cases.
47. Excise licence for new theatre not to be granted without certificate.
48. Remission of duty in case of six-day and early closing excise licence.
49. Continuance of licence during pendency of appeal against licensing court's refusal to renew.
50. Excise licence for naval and military canteens may be granted without certificate.
51. Date of termination of excise licence.

PART IV.—OFFENCES AND PENALTIES.

52. Sale to be by standard measure.
53. Penalties for breach of certificate.
54. What shall be deemed second and third offences.
55. Saving sales on order by certain officials.
56. Saving for sales at railway stations.
57. Exciseable liquors when to be deemed to have been drunk on the premises.
58. Sale of spirits to children under sixteen illegal.
59. Sale of exciseable liquors to children under fourteen illegal.
60. Sunday sales to travellers.
61. Penalty on persons falsely representing themselves to be travellers.

Section.
62. Harbouring constables while on duty, etc.
63. Distribution of liquor from vans.
64. Collection of rates and taxes on licensed premises prohibited.
65. Penalties for trafficking without certificate.
66. Penalty for bartering or selling spirits without certificate.
67. Penalty for hawking exciseable liquors.
68. Penalty on disorderly persons refusing to quit licensed houses.
69. Penalty for inducing grocer to sell exciseable liquors illegally.
70. Penalties for drunkenness, riotous behaviour, and other offences involving drunkenness.
71. Power to require person convicted of drunkenness to find caution.
72. Prohibition of sale of exciseable liquor to persons convicted of drunkenness.
73. Habitual drunkenness equivalent to cruelty in consistorial action.
74. Penalty for procuring drink for drunken person.
75. Penalty on persons found in shebeens drunk or drinking.
76. Penalty for allowing drinking at refreshment house during hours when licensed houses closed.

PART V.—REGISTRATION OF CLUBS.

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78. Application for registration.
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85. Power to cancel certificate of registration.
86. Penalties for offences by officials of registered club.
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91. Prosecution of offences and application of penalties and expenses.
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93. Warrant to apprehend on complaint for trafficking.
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95. Power to police to enter eating houses, hotels, etc.
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97. Proof of trafficking in exciseable liquors in shebeens.
98. Burden of proof in case of drunkenness on licensed premises.
99. Convictions to be transmitted to clerk to licensing court.
100. Clerk to licensing court to certify convictions to Inland Revenue.
101. Appeal from justices to quarter sessions.
102. Appeal to high court of justiciary.
103. Sentences and judgments not otherwise subject to review.
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PART VII.—MISCELLANEOUS.

107. Interpretation of terms.
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109. Commencement of Act.
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SCHEDULES.

CHAPTER XXV.

An Act to consolidate with Amendments the Laws relating to Licensing in Scotland.
[14*th August* 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.—CONSTITUTION OF LICENSING AND APPEAL COURTS.

1.—MEETINGS OF LICENSING COURTS FOR GRANTING CERTIFICATES.—For the purpose of granting certificates under this Act, there shall annually be held throughout Scotland, in lieu of the general half-yearly meetings held under the existing Acts, two general half-yearly meetings of the licensing courts to be constituted as hereinafter provided.

2.—BURGH LICENSING COURTS.—For each burgh being a county of a city, and for each royal, parliamentary, or police burgh containing a population of or exceeding seven thousand, and for each burgh containing a population under seven thousand but of or exceeding four thousand the magistrates of which have power to grant certificates under the existing Acts, there shall be a separate licensing court, consisting of the magistrates of such burgh for the time being.

3.—COUNTY LICENSING COURTS.—(1) The county council of every county shall at any general or special meeting to be held not later than the third Tuesday of December one thousand nine hundred and three, and thereafter from time to time, determine in their discretion whether the county shall be divided into districts for the purposes of this Act (hereinafter called licensing districts). It shall be lawful for the county council, where the county is divided into districts in terms of the Local Government (Scotland) Act, 1889 (hereinafter called local government districts), to determine that any one or any combination of two or more of such districts shall be a separate licensing district, but

(*a*) No licensing districts other than local government districts or combinations thereof shall be constituted ; and

(*b*) No county not divided into local government districts shall be divided into licensing districts

without the consent of the Secretary for Scotland in either case both to the division and to the districts proposed. Every determination under this section shall be forthwith communicated to the Secretary for Scotland and published by advertisement in two successive weeks in a newspaper or newspapers circulating in the districts.

(2) For the purposes of this part of this Act every burgh, except those specified in the immediately preceding section, shall be deemed to form part of the county and of the local government or licensing district (if any) within which it is situate.

(3) For each county or where a county is divided into licensing districts for each licensing district there shall be a separate licensing court whereof the number of members shall in each case be in accordance with the scale contained in the First Schedule annexed hereto. One half of the members of such court shall in every case be elected by the justices of the peace for the county from their own number and one half by the county council from their own number.

(4) Provided always that where, for the purposes of this part of this Act, any burgh, the magistrates of which have power to grant certificates under the existing Acts, forms part of a county or district, the licensing court for such county or district shall be modified by the addition thereto of such number of members for every such burgh as the Secretary for Scotland shall determine by order under his hand, so that one member at least shall be added for every such burgh, and that the number of members for each burgh shall as nearly as may be bear the same proportion to the number of the court without such addition as the population of the burgh bears to the population of the county or district excluding every such burgh : Provided further that such added members shall, in every case, be magistrates of the respective burghs,

and the total number of members for any burgh shall not exceed the number of magistrates thereof.

4.—Burgh and County Courts of Appeal.—(1) For the purpose of hearing appeals and applications for confirmation of new certificates under this Act, there shall be a court (hereinafter called "the Court of Appeal"), one half of the members of which shall in every case be elected by the justices of the peace from their own number and one half shall be burgh magistrates or county councillors respectively, as hereinafter provided.

(2) Except as hereinafter provided the court of appeal from a burgh licensing court shall be—

(*a*) for each burgh being a county of a city, a separate court consisting of the members of the licensing court and of an equal number of justices of the peace for the county of a city; and

(*b*) for each royal, parliamentary, or police burgh (not being a county of a city) containing a population of or exceeding twenty thousand, a separate court consisting of the members of the licensing court and of an equal number of justices of the peace for the county within which the burgh is situate; and

(*c*) in each county, for all the royal, parliamentary, and police burghs situate therein containing a population of or exceeding seven thousand and under twenty thousand, one and the same court, consisting of burgh magistrates and justices of the peace for the county as specified in the Second Schedule annexed hereto.

(3) The court of appeal (*a*) from a county licensing court, or if the county is divided into licensing districts from the several district licensing courts, and (*b*) from any burgh licensing court for a burgh situate within the county which is not specified in the immediately preceding subsection, shall for each county be one and the same court, whereof one half of the members shall be county councillors for the county elected as hereinafter provided, and one half shall be justices of the peace for the county; and the number of members shall be such that the court shall contain three more county councillors and three more justices of the peace than the county licensing court or the licensing court for the most populous licensing district within the county, as the case may be, in accordance with the Third Schedule annexed hereto.

5.—Election and Term of Office of Members of Courts.—(1) The term of office of members of a licensing court or court of appeal being justices of the peace or county councillors, except in the case of those first elected, shall be three years. The members being justices of the peace shall be elected at the statutory meeting of quarter sessions in March one thousand nine hundred and four, and shall hold office till a meeting of justices of the peace to be held on the third Tuesday of December one thousand nine hundred and four, when they shall retire and their successors shall be elected, and thereafter such retirement and election shall take place every third year at a meeting of justices of the peace to be held on the third Tuesday of December. Every such meeting on the third Tuesday of December shall be held at the same place as the general meeting of the county council on that day. The members being county councillors shall be elected at the general meeting of the county council in December one thousand nine hundred and three or at any special meeting to be held not later than the first Tuesday of March one thousand nine hundred and four, and shall hold office till the general meeting of the county council in December one thousand nine hundred and four, when they shall retire and their successors shall be elected, and thereafter such retirement and election shall take place every third year at the general meeting of the county council in December: Provided that in section eight of the Local Government (Scotland) Act, 1889, the expression "purposes hereinafter mentioned" shall be deemed to include the purposes of this part of this Act, subject to the condition that no county councillor representing a burgh having a separate licensing court or court of appeal, as the case may be, shall be entitled to act or vote in an election of members of a county licensing court or court of appeal respectively; and provided further that no justice of the peace who is not entered in the valuation roll for a county or a burgh situate therein as a proprietor, tenant, or occupier of lands or heritages, shall be entitled to act or vote in the election by the justices for the county of representatives from their own number to the county licens-

ing court or court of appeal, or to a court of appeal from a burgh licensing court, or be eligible for election as a member of any of such courts.

(2) The members of a county or district licensing court being magistrates of a burgh and the members of a court of appeal from a burgh licensing court being magistrates of a burgh containing a population under twenty thousand shall, where necessary, be elected by the magistrates of the burgh in each case at a meeting to be summoned by the town clerk and to be held on any day within fourteen days after the annual election of town councillors in the year one thousand nine hundred and three, and in subsequent years as vacancies occur. The provost, or in his absence the senior bailie present, shall be chairman of such meeting. Each magistrate being a member of a county or district licensing court or of a court of appeal from a burgh licensing court shall hold office so long as he remains a magistrate of the burgh.

(3) Retiring members of a licensing court or a court of appeal shall be eligible for re-election, if otherwise qualified. A burgh magistrate or county councillor shall not be disqualified for election or membership in that capacity because he is or becomes a justice of the peace, and a justice of the peace shall not be disqualified for election or membership in that capacity because he is or becomes a burgh magistrate or a county councillor.

(4) If in any case not otherwise provided for a licensing court or court of appeal is not elected at the time at which it ought to be elected, or an insufficient number of members is elected for such court, the Secretary for Scotland shall by order provide for the holding of a fresh election or fresh elections for supplying any such default or insufficiency in election at such times and in such manner as he may think expedient. No election held in pursuance of this Act shall be deemed to be vitiated in consequence of any technical defect in the proceedings which has not been prejudicial to the interests of any party concerned in such election.

(5) Where in a burgh any magistrate is disqualified from acting as a member of a licensing court or court of appeal, and no other magistrate is available, it shall be lawful for the town council to elect a councillor of the burgh to so act in room of such magistrate while he remains a magistrate of the burgh and his disqualification continues.

(6) Any casual vacancy arising in a licensing court or court of appeal from death, resignation, disqualification, or other cause, may be filled by the election of a duly qualified person, at the first meeting of quarter sessions, statutory or adjourned, or of the county council, or at a special meeting of the burgh magistrates, following upon such vacancy, as the case may be, and members so elected shall in each case respectively hold office until the date of the next ordinary meeting for elections by this Act provided.

(7) A licensing court and a court of appeal shall annually elect one of their own number to act as chairman of such court, and until a chairman is elected, and in case of his absence from any meeting, the court shall elect one of their own number present at the meeting chairman of that meeting.

(8) When on the election of a chairman an equal number of votes is given for two or more persons, the meeting shall determine by lot which of these persons shall be the chairman, and in every other case of equality the chairman of the court or meeting shall have a second or casting vote.

(9) One half of the members of a licensing court or a court of appeal (and in no case less than two members) must be present at a meeting of such court to constitute a quorum.

(10) A licensing court or court of appeal may act notwithstanding any vacancy or vacancies caused by insufficient election or otherwise, provided that a quorum is constituted.

(11) Notwithstanding anything hereinbefore provided, the chairman of a licensing court shall have no second or casting vote on an application for a new certificate, and no such application shall be granted by such court except by a majority of the members thereof present and voting.

6.—Dates of Half-Yearly Meetings.—A burgh licensing court shall meet upon the second Tuesday of April and the third Tuesday in October in each year, and a county or district licensing court shall meet on the third Tuesday of April and the last

Tuesday of October in each year; and it shall be lawful for such courts respectively to adjourn such meetings from time to time, as they shall think fit, during the period of one month next after the day of their first meeting, but no longer.

7.—Transfer of Powers and Duties.—(1) On and after the third Tuesday or the second Tuesday of April, as the case may be, one thousand nine hundred and four, and subject to the provisions of this Act, the general half-yearly meetings of the licensing courts constituted by this Act shall respectively be deemed to come in place of the general or district half-yearly meetings of justices or magistrates held under the existing Acts, and such courts respectively for the purpose of granting certificates shall within the areas defined by this Act be deemed to come in place of and shall have and may exercise all the powers and duties of the justices or the magistrates as the case may be, and every reference in any Act of Parliament, deed, or instrument to the justices or the magistrates as the authority for the purpose aforesaid, or to the justices or the magistrates or one or more of them as members of such authority, or to the general or district half-yearly meetings or any meeting of justices or magistrates as such authority, or to the licensing authority, shall be read and construed as referring respectively to the licensing court or members thereof, and to the half-yearly meetings or any meeting of such court.

(2) From and after the respective dates aforesaid, and subject to the provisions of this Act, the courts of appeal constituted by this Act shall respectively for the purposes specified and within the areas defined by this Act be deemed to come in place of and shall have and may exercise all the powers and duties of quarter sessions, county licensing committees, or joint committees for a burgh, as the case may be, and every reference in any Act of Parliament, deed, or instrument to quarter sessions, county licensing committees, or joint committees of burghs as the authority for the said purposes, or to justices or magistrates, or one or more of them as members of such authority, shall be read and construed as referring to the court of appeal or members thereof.

8.—Clerks to Courts and Time and Place of Meetings.—(1) The town clerk shall by himself or his depute be the clerk to the licensing court for a burgh having a separate licensing court, and the clerk of the peace shall by himself or his deputy be the clerk to the licensing court for a county, or where a county is divided into licensing districts, for each licensing district, and shall also by himself or his deputy be the clerk to every court of appeal constituted by this Act. Subject to the provisions of this Act, the clerk to a licensing court or an appeal court constituted by this Act shall, within the areas defined by this Act, have and discharge the rights and duties under the existing Acts belonging to or devolving on the clerk to the justices or magistrates as the authority for the purpose of granting certificates, or the clerk of the peace acting as clerk to quarter sessions, county licensing committees, or joint committees for a burgh, as the case may be, and all things authorised or required under the existing Acts to be done by or to the said clerks respectively may be done by or to the clerk to a licensing court, or an appeal court constituted by this Act.

(2) A court of appeal from a licensing court shall have the power to make regulations from time to time with respect to the meetings of such court of appeal and the transaction of business thereat, both for the purposes of hearing applications for confirmation of new certificates and generally: Provided that where any appeals or applications for confirmation have been lodged within the statutory period, such court shall meet for the purpose of hearing such appeals or applications at a date not later than one month after the general half-yearly meeting of the licensing court or any adjournment of the same; and provided further that for the last-mentioned purpose and for the purpose of making regulations as aforesaid, every court of appeal shall meet at a date to be prescribed by the sheriff (not being a sheriff-substitute), not later than one month after the first general half-yearly meeting of the licensing court or any adjournment of the same in the year one thousand nine hundred and four.

(3) The meetings of a county licensing court and the meetings of a district licensing court shall be held at such place as the county council shall from time to time determine and publish by advertisement, and all existing liabilities to provide accommodation for meetings, and otherwise defray expenses in respect of proceedings of the justices acting as aforesaid, shall subsist and be applicable in respect of the

meetings and proceedings of a county or district licensing court, and of the licensing court for a police burgh having a separate licensing court.

(4) The meetings of a licensing court for a burgh having a separate licensing court and of a court of appeal for a burgh being a county of a city or a royal parliamentary or police burgh containing a population of or exceeding twenty thousand, shall be held in such burgh, and it shall be the duty of the town council of such royal or parliamentary burgh to provide accommodation for such meetings, and otherwise defray any necessary expenses in respect of proceedings of the licensing court or court of appeal, and save as otherwise already chargeable against any burgh rate, to charge the same against the burgh general or police assessment.

(5) The meetings of every court of appeal other than those specified in the immediately preceding subsection shall be held at such place or places as the county council shall from time to time determine and publish by advertisement, and all existing liabilities to provide accommodation for meetings, and otherwise defray expenses in respect of proceedings of quarter sessions for hearing appeals under section fourteen of the Licensing (Scotland) Act, 1828, shall subsist and be applicable in respect of the meetings and proceedings of such court of appeal and of the court of appeal for a police burgh containing a population of or exceeding twenty thousand.

(6) Every royal or parliamentary burgh which, for the purposes of this part of this Act, forms part of any county or district shall contribute to the county fund in aid of the expenditure thereout in respect of the meetings and proceedings of a county or district licensing court and the court of appeal therefrom, and every royal or parliamentary burgh containing a population under seven thousand, but of or exceeding four thousand, or included or to be hereafter included in Part I. of the Second Schedule annexed hereto shall contribute to the county fund in aid of expenditure incurred thereout in respect of the meetings and proceedings of the court of appeal from the burgh licensing court. For the purpose of every such contribution subsection four of section sixty and section sixty-six of the Local Government (Scotland) Act, 1889, shall apply to such expenditure as if it were referred to therein. Save as aforesaid no royal or parliamentary burgh shall be liable to contribute to the county fund in respect of the meetings or proceedings of a licensing court or court of appeal.

9.—Persons Interested not to Act as Members of Court.—(1) No person who is a brewer, maltster, distiller, or dealer in or retailer of exciseable liquors, or who shall be in partnership with any person as a brewer, maltster, distiller, or dealer in or retailer of exciseable liquors, shall act as a member of a licensing court or court of appeal respectively in the execution of this Act; nor shall any person being a member of a licensing court or court of appeal act in the granting of any certificate when he shall be the proprietor or tenant of the house or premises for which such certificate shall be applied; and everything done by such person respectively in any case in which he is so disqualified to act shall be null and void; and every person who shall knowingly or wilfully offend in any of the premises aforesaid shall forfeit and pay the sum of fifty pounds, to be recovered before the sheriff within six calendar months next after the offence has been committed: Provided that no grant of a new certificate confirmed under the provisions of this Act shall be liable to objection on the ground that the members of the licensing court or court of appeal which granted or confirmed the same or any of them were not qualified to make such grant or confirmation, and provided further that a member of a licensing court or a court of appeal shall not be disqualified to act for any purpose under this Act by reason only of his being interested in a railway company which is a retailer of exciseable liquor.

(2) If in any burgh having a separate licensing court there shall not be a sufficient number of members of such court present who are qualified to grant certificates according to the directions of this Act, at any time when such certificates are hereby appointed to be granted, in such case it shall be lawful for the licensing court for the county or district in which such burgh is situate to grant certificates for such burgh, at the same time and in the same manner as they are hereby empowered to grant certificates for the county or district: Provided always, that any members of the licensing court for such burgh so qualified may and are hereby authorised and empowered in such case to act along with the licensing court for such county or district in granting such certificates.

10.—Supplemental and Local Provisions.—(1) For the purposes of this part of this Act—

(*a*) the lower ward, middle ward, and upper ward of the county of Lanark, so long as they remain local government districts, shall each be deemed to be a county, and the county council and justices of the peace for the county of Lanark shall be deemed to be the county council and justices of the peace for and in respect of the county of each ward, with power to the county council to divide such counties into licensing districts as hereinbefore provided with the consent of the Secretary for Scotland, and the clerk of the peace for each ward shall be deemed to be the clerk of the peace for and in respect of the county of such ward; and

(*b*) the burgh of Coatbridge shall be deemed to be a royal burgh; and

(*c*) the royal burgh of Banff and the police burgh of Macduff shall be deemed to form one burgh of Banff and Macduff, and the magistrates of the said burghs shall be deemed to be the magistrates of the burgh so formed, and the meetings of the licensing court for such burgh shall be held in the royal burgh of Banff, and the town clerk of the royal burgh of Banff shall be clerk to the licensing court; and

(*d*) the royal burghs of Kilrenny, Pittenweem, Anstruther Easter, and Anstruther Wester shall be deemed to form one royal burgh, and the magistrates of the said burghs shall be deemed to be the magistrates of the burgh so formed, and the meetings of the licensing court for such burgh shall, except as otherwise appointed by the court, be held in the royal burgh of Anstruther Easter, and the town clerk of the royal burgh of Anstruther Easter shall be clerk to the licensing court; and

(*e*) the boundaries of burghs shall be held to be the boundaries thereof as ascertained, fixed, or determined for police purposes at the passing of this Act, or at the date of the census for the time being last taken, as the case may be.

(2) In this part of this Act the expression "population" means population according to the census for the time being last taken: Provided that the population as stated in the Second Schedule annexed hereto of each burgh named therein shall for the purposes of this part of this Act be deemed to be the population of such burgh according to the census of one thousand nine hundred and one, and provided further that as soon as may be after each census the Secretary for Scotland shall issue an order or orders under his hand declaring the population of each county, burgh, and district, according to such census, and may prescribe therein the date or dates at which alterations in the licensing courts and courts of appeal consequential on any increase or decrease of population shall take effect. Provided further that where according to the census last taken the population of a burgh or burghs in any county has so increased or decreased as to necessitate an alteration in the Second Schedule annexed hereto, the Secretary for Scotland shall by order under his hand alter the said Schedule so that every burgh in the county containing a population of or exceeding seven thousand and under twenty thousand (and no other burgh) shall be included therein, and so as to provide for due representation on the court of appeal of every burgh so included. Every order under this section shall be laid before Parliament.

(3) Any question that may arise as to the county or district in which a burgh is situate or of which it is for the purposes of this part of this Act to be deemed to form part shall be determined by the Secretary for Scotland, whose decision shall be final.

Part II.—Powers, Duties, and Procedure of Licensing and Appeal Courts.

11.—Certificates to Keep Inns, etc., to be Granted at Meetings.—(1) At any general half-yearly meeting of a licensing court, or at any adjournment thereof, within the respective periods aforesaid, it shall be lawful for the said court to grant certificates for the year or half-year next ensuing as the case may be, commencing and terminating as after mentioned, to such and so many persons as the court then assembled at such meeting shall think meet and convenient, to keep inns, and hotels or public-houses, within which exciseable liquors may, under excise licences, be sold by retail, to be

drunk or consumed in the premises, within the jurisdiction of such court; and such court shall deliver or cause to be delivered to every person so authorised or empowered a certificate, written or printed on paper in such form as hereinafter directed: Provided always that all such meetings shall be held with open doors, and that it shall not be competent to refuse the renewal of any certificate without hearing the party in support of the application for renewal in open court, if such party shall think fit to attend, and any certificate granted otherwise than at such meetings shall be void and of no effect: Provided always that nothing herein contained shall prevent such court from granting or any person from obtaining a certificate as a grocer for the sale of exciseable liquors by retail, but not to be consumed on the premises, and notwithstanding the repeal of any enactment by this Act the duty payable upon any excise licence granted in pursuance of such a certificate shall continue to be at the same rate as was exigible for a similar licence immediately before the passing of this Act.

(2) It shall not be lawful for a licensing court to grant to any blacksmith at his smithy, or at any house occupied by him in the immediate vicinity of the same, any certificate to sell exciseable liquors, anything in any Act of Parliament to the contrary notwithstanding.

(3) It shall not be lawful for a licensing court to grant a certificate except to an individual person of the age of not less than twenty-one years.

12.—Dates of Commencement and Termination of Certificate.—Every certificate to sell exciseable liquors granted under the existing Acts and this Act shall commence on the twenty-eighth day of May or the twenty-eighth day of November, according to the period of the year at which such certificate is granted and shall continue in force until the twenty-eighth day of May following.

13.—Confirmation of New Certificates Required.—A grant of a new certificate by any licensing court shall not be valid unless it shall be confirmed by the court of appeal from such licensing court.

14.—Form, etc., of Applications for Certificates.—If any person shall be desirous of keeping an inn and hotel, public-house, shop, or premises for the sale therein of exciseable liquors, whether to be consumed on the premises or not, he shall, previous to the granting to him of a certificate for that purpose, or the renewal of any such certificate already granted, truly fill up an application for such certificate in the form contained in the first part of the Fourth Schedule annexed hereto, and shall truly answer the several queries therein contained; and printed forms for such application shall be supplied to the applicant by the clerk to the licensing court within whose jurisdiction such inn and hotel, public-house, shop, or premises shall be situate, upon payment to him of a fee of sixpence for each copy thereof, and every such application shall be filled up in a fair and legible hand, and shall be signed by the applicant or his agent thereunto authorised, and shall be lodged by the applicant with such clerk fourteen days at least before the general meeting of the licensing court for granting and renewing certificates: Provided always that it shall not be lawful for a licensing court to entertain any application for any new certificate until a report shall have been made and subscribed by a duly qualified member of such court, stating that the premises for which the certificate is sought are of suitable construction and accommodation for the purpose applied for, and accompanied with a certificate as to the applicant's character and qualification, signed by a duly qualified member of such court, and which said report and certificate respectively shall be in the form, or as nearly as may be in the form contained in the second part of the Fourth Schedule annexed hereto: Provided also, that the court of appeal to whom any appeal shall be made from a deliverance, granting or refusing any application for a certificate, may by themselves, or any one or more of their number, inspect the premises for which a certificate is sought, and review the said report.

15.—Licensing Court may Make Regulations regarding Applications.—It shall be lawful for a licensing court assembled at any general meeting to make such regulations and rules as they shall think fit, not being inconsistent with the provisions of this Act, as to the manner of making such applications, as well for ascertaining the character of the applicants, as whether it be expedient to grant such certificates in the places in which they are sought to be obtained, and also as to the mode of proceeding in transferring certificates as hereinafter mentioned.

16.—Names and Designations of Applicants and Result of Applications to be Entered in a Book.—The names and designations of all persons who make applications for such certificates shall be entered in a book or register, to be kept by the clerk to the licensing court, wherein the names and designations of new applicants shall be entered separately, which book or register shall contain columns for the designations of such applicants, for the names of the persons who recommend them, for the house or premises and place for which such certificate is sought, for the manner in which the application is disposed of, and for noting a memorandum of convictions under this Act against such persons respectively, and the dates thereof, and the cases of new applicants shall not be considered until all the other cases shall have been disposed of; and at the end of the meeting for each day, a deliverance shall be written in such book or register, specifying whether such applications respectively were granted or refused, or continued for further inquiry, or how otherwise disposed of; and such deliverance shall be then and there signed on behalf of the court by the chairman of the meeting, according to the form contained in the Fifth Schedule annexed hereto; and it shall not be lawful for the court at any adjourned meeting to alter anything which was done at any previous meeting in granting or refusing such certificates; and the clerk to such court shall make out a certificate in the form contained in the Sixth Schedule annexed hereto, specifying the date from which such certificate shall be current.

17.—Lists of Applications and Certificate Holders to be Published, etc.—The clerk to the licensing court shall, at least ten days before the general meeting of such court, make out and advertise, at least twice in one or more newspapers printed or generally circulated in the district, a complete list, in the form, or as nearly as may be in the form, set forth in the Fifth Schedule annexed hereto, of all applications for new certificates within the jurisdiction of such court, and of all applications by new tenants or occupants of premises at the time certificated; and also of all applications for renewal of certificates which have been transferred during the currency of the previous half year; and such clerks shall also, within the said time, transmit by post, to the registrar of every parish within such jurisdiction, a copy of the list of such applications in so far as applicable to the parish of such registrar, who is hereby required to preserve the same, and to give access thereto to any officer of Inland Revenue without payment, and to any other person applying for inspection thereof upon payment of a fee of one shilling for such inspection; and it shall be lawful for such court, at any April half-yearly meeting, if they shall think fit, to cause a descriptive list of persons to whom certificates shall have been granted for the year next ensuing, with the premises to which such certificates apply, within their jurisdiction, to be made up and printed, in such form as they shall direct, for the use of themselves and others concerned in the execution of this Act, the expense whereof shall be paid out of the respective funds in this Act specified into which penalties and expenses shall be paid.

18.—Certificate of Character and Attendance of Holder not Necessary for Renewal of Certificate.—(1) Where any person shall be desirous of obtaining a renewal of any subsisting certificate, granted to him in terms of the existing Acts or this Act, which has not been transferred during the current half year, it shall not be necessary that he produce along with his application any recommendation or certificate of character and qualification: Provided always that such exemption shall not be held to interfere with the powers of the licensing court under this Act to deal with such application.

(2) Where a person holding a certificate applies for the renewal of his certificate, he need not attend in person at the meeting for granting certificates, unless he is required by the licensing court so to attend.

19.—Certain Parties may Object to the Granting or Renewal of Certificates.—Any person or the agent of any person owning or occupying property in the neighbourhood of the house or premises in respect of which any certificate or renewal of any certificate shall be applied for, may object to the granting or renewal of such certificate by lodging at any time, not less than five days before the general meeting of the licensing court, with the clerk to such court a notice in writing to that effect, signed by such person or his agent, specifying the grounds of such objection, which objection

shall be heard at the then ensuing general meeting; and if such objection shall be considered of sufficient importance by the court in such general meeting, and shall be proved to their satisfaction, the said certificate shall not be granted or renewed: Provided always, that no such objection shall be entertained unless it shall be proved or admitted that the person so objecting or his agent did, at least five days before such general meeting, deliver or cause to be delivered to the person applying for such certificate a copy of the aforesaid notice, or did forward to him by post, or did leave for him a copy thereof, addressed to him at his place of abode mentioned in his application, or in the case of an application for the renewal of any certificate at the licensed premises for which the application is made; and it shall be lawful for the court in the event of their considering the allegations and objections against a renewal of a certificate contained in any such notice frivolous or vexatious, or unauthorised, to find the person or agent, as the case may be, making the same liable in such expenses as they shall deem proper, and the amount of the expenses so found due shall be recoverable in the sheriffs' or justices' of the peace small debt court having jurisdiction, and a certified copy of the aforesaid finding shall be sufficient evidence and authority for decerning for the amount thereof with expenses.

20.—Court may Hear certain Objections without Notice.—It shall be lawful for the licensing court at any general meeting to hear and determine, without the notice required by the immediately preceding section, any objections to be made verbally or in writing by any member of such court, or by the procurator-fiscal, chief constable, or superintendent of police against the granting or renewing of any certificate.

21.—Power to Courts to Summon Witnesses.—It shall be lawful for any member of a licensing court or court of appeal, in any application for the granting or renewing of a certificate under the provisions of this Act, or in dealing with any objection to such applications, or in any other matter relating to the proceedings of such court arising under the provisions of this Act, to grant warrant to summon witnesses and havers on behalf of any party interested; and it shall be lawful for such court or any member thereof, before whom respectively any such application, objection, or matter shall be depending, to examine all such witnesses and havers on oath, and to do and perform all things necessary for the due and proper hearing and determination of the matter. And any person summoned as a witness or as a haver to appear before such court touching any matter arising out of this Act, either on the part of the complainer or of the person complained against, or of any person interested in such matter, who shall neglect or refuse to appear at the time and place for that purpose appointed, and who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such court, may when it shall be proved on oath that he has been duly summoned at least twenty-four hours before the meeting of the court, be apprehended and committed to prison under the warrant of the said court signed on behalf thereof by the chairman of the meeting and countersigned by the clerk of such court, till he finds security to appear and give evidence; and any person who shall so neglect or refuse to appear, or who appearing shall refuse to be examined on oath, shall thereby be guilty of an offence, and on being convicted thereof shall forfeit and pay any sum not exceeding five pounds; and if any person, who, under examination on oath before such court in any matter arising under the provisions of this Act, shall prevaricate or wilfully conceal the truth, it shall be lawful to such court, without any formal complaint and in a summary manner, to adjudge the person so offending to be imprisoned for any period not exceeding sixty days, or to forfeit and pay a penalty not exceeding five pounds, and the sentence awarding such punishment shall set forth shortly the nature of the offence, and shall be signed and countersigned as aforesaid.

22.—Appeal from Decision of Licensing Court to Court of Appeal.—If any member of a licensing court, or proprietor or occupier of any house or premises in respect whereof any such certificate shall be applied for, or if any proprietor or occupier of property in the neighbourhood of such house, who has objected before the licensing court to the granting or renewal of any such certificate, shall be dissatisfied with any proceeding of any licensing court assembled for granting certificates as aforesaid, whether in granting or refusing or otherwise disposing of any such application, it shall be lawful to such member of the licensing court, proprietor, or occupier, to

appeal therefrom to the next court of appeal from such licensing court: Provided always, that such appeal shall be lodged with the clerk to such court of appeal within ten days after such proceeding; and provided that such appellant, being a proprietor or occupier as aforesaid, shall find caution to abide such appeal and the expenses thereof, and shall give intimation of such appeal to the opposite party, and to the licensing court of whose proceeding he complains.

23.—Refusal of New Certificate by Licensing Court to be Final.—Notwithstanding anything contained in the immediately preceding section, or in any other enactment, no appeal shall lie to any court of appeal against any proceeding of any licensing court assembled for granting certificates as aforesaid, in refusing any application for a new certificate, but every such proceeding and refusal shall be final.

24.—Penalty on Clerk for Unduly Giving or Refusing Certificate.—If any clerk to a licensing court shall knowingly and wilfully issue or deliver any such certificate as aforesaid, contrary to the deliverance in such book or register as aforesaid, or to any person not duly authorised to receive the same by such court, or if any such clerk shall knowingly and wilfully insert any untrue date in any such certificate, or shall refuse to deliver such certificate to any person duly authorised as aforesaid to receive the same, every such clerk shall for every such offence forfeit the sum of twenty pounds, if convicted of such offence before the sheriff, during the period for which such certificate appears to have been granted or ought to have been granted, or within six months after the expiry of the said period.

25.—List of Persons who have Obtained Certificates to be sent to the Inland Revenue Collector of the District.—Within eight days next after the time during which such meetings as aforesaid may be held respectively shall have expired, the clerk to the licensing court shall transmit to the collector of inland revenue in the district in which any such certificate shall have been granted, a list of all the persons therein who have obtained such certificates for that district for the current year, which list shall be made out from the book or register hereinbefore appointed to be kept by such clerk, and shall contain the same heads and titles, filled up according to the deliverance signed on behalf of the court by the chairman of the meeting; and every such list, when so made out, shall be duly certified by the subscription of such clerk, and transmitted as aforesaid; and such clerk shall, upon the delivery thereof, be entitled to receive from such collector as aforesaid a remuneration for his trouble in making out the same, at and after the rate of one penny for the name of each person contained in such list to whom it has been resolved that a certificate shall be granted as aforesaid; and if any such clerk shall refuse or neglect to make out and send such lists as aforesaid, he shall for every such offence forfeit the sum of five pounds, to be recovered, with the authority of the Commissioners of Inland Revenue, before the sheriff, within six months next after the offence has been committed.

26.—Clerk to make a Duplicate of the Certificate when Required.—Every clerk to a licensing court shall, when lawfully required, make out from the book or register to be kept by him as aforesaid a duplicate or counterpart of any certificate issued by him, for which he shall be entitled to receive a fee of one shilling, which duplicate, being duly certified by such clerk, shall be admitted as sufficient evidence of the facts therein contained, and of the terms of such certificate, in all courts and legal proceedings, without production of the particular certificate originally granted.

27.—Fees to Clerks.—(1) Subject as hereinafter provided it shall not be lawful for the clerk of the peace, or sheriff clerk of any county or district, or the town clerk of any burgh, to demand or receive any greater or additional fee or remuneration for anything done under this Act than is authorised by the Seventh Schedule annexed hereto, and the fees demandable in respect of proceedings for the confirmation of certificates under this Act shall be as nearly as may be the same as those for like proceedings authorised by the said Schedule.

(2) The town clerks of those parliamentary burghs the magistrates of which were not at the date of passing of the Public-Houses Acts Amendment (Scotland) Act, 1862, authorised to grant certificates shall pay to any clerks of the peace who held office at that date and continue to hold such office at the passing of this Act in the counties within which such burghs are situated one half of the fees received by such town clerks in respect of applications for certificates and disposal of the same under this Act during the time such clerks of the peace shall continue to hold office.

(3) It shall be lawful for the Court of Session, on the application of the Lord Advocate, from time to time by Act of Sederunt, to prescribe a table or tables of fees payable to a sheriff clerk or town clerk for anything done under this Act, and of fees payable to a clerk of the peace for anything done under this Act or otherwise; and any table so prescribed shall have full force and effect notwithstanding any general or special provision contained in this or any other Act; and thereafter no such clerk as aforesaid shall demand or receive any greater or additional fee or remuneration for anything so done than is authorised in such table.

(4) The town clerk of any burgh the magistrates of which have not power to grant certificates under the existing Acts shall pay to the clerk of the peace holding office at the passing of this Act in the county within which such burgh is situate, so long as such clerk of the peace shall continue to hold office, one-half of the fees from time to time received by him in respect of all duties transferred or which may be transferred by this Act from such clerk of the peace to such town clerk.

(5) The clerk of the peace of every county shall pay to the town clerk holding office at the passing of this Act of any burgh situate within such county the magistrates of which have power to grant certificates under the existing Acts, so long as such town clerk shall continue to hold office, one-half of the fees from time to time received by him in respect of all duties transferred or which may be transferred by this Act from such town clerk to such clerk of the peace.

(6) Where, by the operation of this Act, duties are transferred from one clerk of the peace to another clerk of the peace, the clerk of the peace to whom such duties are transferred shall pay to any clerk of the peace holding office at the passing of this Act from whom such duties are transferred, so long as such last-mentioned clerk shall continue to hold office, one-half of the fees from time to time received by him in respect of all duties so transferred.

(7) If any clerk shall demand or receive any greater or additional fee, or any other reward for anything done under this Act than is authorised thereby, such clerk so offending shall be liable on summary conviction to a fine of five pounds for every such offence.

28.—Proceedings for Confirming New Certificate.—(1) The application for confirmation of a certificate shall be in the form as nearly as may be set forth in the Eighth Schedule annexed hereto, and shall be lodged (together with the certificate) with the clerk to the court of appeal within ten days after the grant of the certificate.

(2) The court of appeal shall have power to award expenses to or against any party to such proceedings, except the procurator-fiscal for the public interest, as they shall think just.

29.—Opposition to Confirmation of New Certificates.—Any person who appears before a licensing court, and opposes the grant of a new certificate, and no other person, excepting the procurator-fiscal for the public interest, may appear and oppose the confirmation of such grant by the court of appeal.

30.—Deliverances to be Entered in Book or Register.—All deliverances of or applications to a court of appeal whether for the confirmation of new certificates or otherwise shall be entered in the book or register appointed to be kept in terms of the Fifth Schedule annexed hereto, and where the clerk to the court of appeal is not clerk to the licensing court, he shall, for the purpose of such entry, forthwith intimate all such deliverances and applications to the clerk to the licensing court.

31.—Powers to Transfer Certificates.—(1) A licensing court may at any October half-yearly meeting grant to a new tenant or occupant a transfer of any certificate then subsisting for any house or premises as aforesaid.

(2) If any person holding a certificate for any house or premises as aforesaid, shall die before the expiration of his certificate, or in the case of the bankruptcy, insolvency, or incapacity of the holder of such certificate occurring before the expiration of his certificate, it shall be lawful for any two or more of the members of the licensing court within whose jurisdiction such house and premises are situated to grant to the executors, representatives, or disponees of the person so dying, or to the trustee, judicial factor, or curator bonis to such holder, and who shall respectively be possessed of such house or premises, a transfer of the certificate for such house or premises to keep and continue the same as before such death, bankruptcy, insolvency, or incapacity until the next general half-yearly meeting of the licensing court.

32.—Form of Transfer of Certificate.—The transfer certificate to be granted as aforesaid shall be in the form contained in the Ninth Schedule annexed hereto, and shall be held on the same terms and conditions, and in the same manner, as the certificate originally granted, for which transfer certificate a fee of one shilling and no more shall be payable to the clerk.

33.—Power to Postpone Consideration of Application.—Where any applicant for the grant or renewal of a certificate has through inadvertence or misadventure failed to comply with any of the preliminary requirements of this Act or where having duly lodged his application an applicant has died before the meeting of the licensing court, the court may, if they shall so think fit, and upon such terms as they think proper, postpone the consideration of the application to an adjourned meeting, and if at such adjourned meeting they are satisfied that such terms have been complied with, they may proceed to grant such certificate to such applicant or, as the case may be, to his executors, representatives, or disponees (being possessed of the premises in respect of which the application has been made), as if the preliminary requirements of this Act had been complied with.

34.—Forms of Certificates.—Subject as hereinafter provided the forms of certificate granted under the powers of this Act shall be those contained in the Sixth Schedule annexed hereto: Provided that every certificate in force at the commencement of this Act shall be read as if after the words "breach of the peace" occurring therein there were inserted the word "drunkenness."

35.—Power to Vary Form and Hours of Certificates.—It shall be lawful for a licensing court, where they shall deem it inexpedient to grant to any person a certificate in the form applied for, to grant him a certificate in any other of the forms contained in the Sixth Schedule annexed hereto: Provided always, that in any particular locality within any county or district or burgh requiring other hours for opening and closing inns and hotels and public-houses than those specified in such forms of certificates applicable thereto, it shall be lawful for such court to insert in such certificates such other hours, not being earlier than six of the clock or later than eight of the clock in the morning for opening, or earlier than nine of the clock or later than eleven of the clock in the evening for closing the same, as they shall think fit.

36.—Certificate to be Confined to One House and Premises.—No such certificate as aforesaid shall entitle any person to keep an inn and hotel, or public-house, or to obtain an excise licence for selling exciseable liquors, by retail, to be drunk or consumed in any other house or premises than the house and premises specified in such certificate: Provided always that nothing in this Act contained shall be construed to prohibit any person who shall have obtained such certificate from selling exciseable liquors in houses, booths, or other places, at the time and within the limits of the ground, town, or place in or upon which is held any lawful fair, in the same parish with the house or premises for which any person shall have obtained a certificate as aforesaid, or in any parish immediately adjoining thereto.

37.—Certificates for the Sale of Spirits and Wine to include Authority to sell Porter, Ale, Beer, etc.—Every certificate granted or to be hereafter granted for the sale by retail in any house or premises of spirits or wine shall include an authority for the sale by retail in such house or premises of porter, ale, beer, cyder, and perry, and such certificate shall have the effect of enabling the party in favour of whom the same shall have been granted to obtain any licence for such purposes: Provided always that nothing herein contained shall be held to prevent the licensing court from granting a certificate in any of the forms in the Sixth Schedule annexed hereto, for the sale by retail of wine, porter, ale, beer, cyder, or perry, or of porter, ale, beer, cyder, or perry only.

38.—Six-Day and Early Closing Certificates.—(1) Where on the occasion of an application for a new certificate or transfer or renewal of a certificate for an inn and hotel the applicant at the time of his application applies to the licensing court to insert in his certificate a condition that he shall keep the premises in respect of which such certificate is or is to be granted closed during the whole of Sunday, the licensing court shall modify such certificate by the omission therefrom of the words "and travellers."

(2) Where on the occasion of any application for a new certificate or transfer or renewal of a certificate for an inn and hotel or a public-house the applicant applies to the licensing court to insert in his certificate a condition that he shall close the premises in respect of which such certificate is or is to be granted one hour earlier at night than such premises would otherwise have to be closed, the licensing court shall modify such certificate by the insertion therein of words importing such condition.

(3) Nothing in this Act shall preclude the keeper of a licensed inn and hotel holding a six days' certificate from selling and giving out exciseable liquor on Sunday to any person who is lodging in his inn and hotel.

39.—Certificates Granted contrary to this Act Void.—If any certificate shall be granted contrary to the terms and provisions of this Act the same shall be null and void to all intents and purposes.

40.—Special Permission to Keep Houses, etc. Open during Particular Times.—On a representation being made to any two members of a licensing court by any person holding a certificate for keeping an inn and hotel or public-house, and duly licensed to sell exciseable liquors to be consumed on the premises, that it is intended that any public or special entertainment shall take place therein, or in any other place or premises situated within the jurisdiction of such court, during any particular time, such two members of the licensing court may, if they shall think fit, and on being satisfied that such inn and hotel, or public-house, place, or premises possesses the necessary accommodation, and that the entertainment is for a public or special occasion of a legitimate and proper character, and not originating directly or indirectly with the person holding such certificate, grant such person a special permission in writing either—

(1) to keep such inn and hotel, or public-house, place, or premises open and to sell therein, on such public or special occasion, and for that purpose only, such exciseable liquors as he may be duly licensed to sell as aforesaid during such time, and beyond the hour prescribed by his certificate for closing, Sunday excepted; or

(2) to open any restaurant for which a public-house certificate is held, or keep the same open for the sale and consumption of provisions and refreshments of any kind other than exciseable liquors, on such public or special occasion, and for that purpose only during such time, and before or beyond the hours prescribed by his certificate for opening and closing respectively, Sunday excepted,

and in either case under such regulations as such members of the licensing court shall think fit to appoint; and it shall be lawful for a licensing court at any April half-yearly meeting for the granting of certificates, to make such general regulations touching such permissions as they shall think fit, and such special permissions shall be subject to such general regulations: Provided always that no such special permission shall be granted unless forty-eight hours at least before applying for such permission the applicant has served on the chief constable or superintendent of police of the district notice of his intention to apply for the permission, setting out his name and address, the place and occasion in respect of which the permission is required, the persons to whom the application is intended to be made, the period for which the permission is to be in force, and the hours to be specified in the permission: and provided further, that the person obtaining such special permission shall lodge the same with the chief constable or superintendent of police of the district at least twenty-four hours before the commencement of such public or special entertainment, and such chief constable or superintendent of police shall furnish such person with a certified copy thereof, which shall be shown to any constable requiring to see the same: And provided also, that the party holding such special permission to sell exciseable liquors shall also have obtained an occasional excise licence in that behalf.

41.—Licensing Court may make Bye-Laws.—(1) Without prejudice to their other powers under this Act, a licensing court may from time to time make bye-laws as they think fit for the purposes after mentioned, videlicet:—

(*a*) for closing licensed premises wholly or partially on New Year's Day, and on such other days not being more than four in any one year as the licensing court may deem fit and expedient for special reasons;

(*b*) for enforcing non-residence of a certificate holder upon licensed premises, or complete separation of such premises from his dwelling-house;

(*c*) for requiring all wines and spirits kept by a grocer within licensed premises to be sold in corked or stoppered bottles, vessels, jars, or casks, but the bye-law shall not apply to licensed premises where no groceries are kept or sold, and where a bonâ fide wholesale business in exciseable liquors is carried on;

(*d*) for requiring every holder of a certificate authorising the consumption of exciseable liquors upon the premises to keep, and from day to day renew a sufficient supply of drinking water and such eatables, all so displayed as the bye-law shall specify, and requiring him to offer and supply the same as may be laid down in the bye-law;

(*e*) for fixing the procedure to be followed in making applications for special permissions;

(*f*) for printing a list of all applications coming before any meeting of the licensing court, with other information as may be considered by them necessary.

(2) A bye-law made by a licensing court under this section shall not come into operation until it has been confirmed by the Secretary for Scotland.

(3) The Secretary for Scotland may, by order under his hand, provide for the publication of all bye-laws under this section, both as proposed to be made and as confirmed, so as to afford due notice thereof, and an opportunity of objecting to any proposed bye-law, to persons interested.

(4) Any person holding a certificate for the sale of exciseable liquors who shall commit a breach of any bye-law under this section shall be deemed guilty of a breach of his certificate, and shall, on conviction thereof, be liable in the penalties and expenses and forfeitures for such offence by this Act provided.

(5) A copy of any bye-laws made under this section signed and certified by the clerk to a licensing court to be a true copy and to have been duly confirmed shall be evidence, until the contrary is proved, in all legal proceedings of the due making, confirmation, and existence of such bye-laws, without further or other proof.

42.—Control of Licensing Court over Structure of Licensed Premises.—(1) Where a person is intending to apply for a new certificate for the sale of exciseable liquors by retail to be consumed on the premises, he shall along with his application deposit with the clerk to the licensing court a plan of the premises in respect of which the application is to be made.

(2) Any reconstruction of or alteration in any licensed premises for the sale by retail of exciseable liquors to be consumed thereon, shall not be made without the consent of the licensing court assembled either at the general half-yearly meeting or at any adjournment thereof, or at such other time in the course of the year as the licensing court may fix, and the licensing court may, before giving their consent, require plans of the proposed reconstruction or alterations to be deposited with their clerk at such time as they may determine; and if any such reconstruction or alteration is made, save under the order of some lawful authority, without such consent as aforesaid, the sheriff, on a complaint at the instance of such clerk in the sheriff court, may by order declare the certificate to be forfeited, or direct that, within a time fixed by the order, the premises shall be restored to their original condition.

(3) On any application for the renewal of a certificate for the sale by retail of exciseable liquors to be consumed on the premises, the licensing court may require a plan of the premises to be produced before them, and to be deposited with their clerk, and on renewing any such certificate they may, by order, direct that, within a time fixed by the order, such alterations as they think reasonably necessary to secure the proper conduct of the business shall be made in that part of the premises where exciseable liquor is sold or consumed, but any such order shall be subject to an appeal to a court of appeal in terms of this Act, and if any such order for structural alteration is made and complied with, no further requisition for the structural alteration of the premises shall be made within the next five years in the event of the certificate being renewed from year to year during that period. If the person holding a certificate makes default in complying with any such order, he shall, on summary conviction before the sheriff, upon a complaint at the instance of such clerk, be liable to a fine not exceeding twenty shillings for every day during which the default continues.

(4) Any person interested in any premises about to be constructed or in course of construction for the purpose of being used as premises for the sale of exciseable liquors to be consumed on the premises, may apply to the licensing court and to the court of appeal for a provisional grant and confirmation of a certificate in respect of such premises, and the licensing court and court of appeal, if satisfied with the plans submitted to them of such premises, and that if such premises had been actually constructed in accordance with such plans they would on application have granted and confirmed such a certificate in respect thereof, may make such provisional grant and order of confirmation accordingly. A provisional grant and order of confirmation shall not be valid until it has been declared to be final by an order of the licensing court made after such notice has been given as may be required by the licensing court at a general half-yearly meeting or at an adjourned meeting thereof. Such declaration shall be made if the licensing court are satisfied that the premises have been completed in accordance with such plans as aforesaid, and are also satisfied that no objection can be made to the character of the holder of such provisional certificate. The licensing court may also grant a provisional certificate to a holder of any form of certificate to enable him to carry on business in temporary premises during the reconstruction of his licensed premises. A provisional grant and confirmation of a certificate shall be subject to the same conditions as to the giving of notices and generally as to procedure to which such grant and confirmation would be subject if they respectively were not provisional.

Part III.—Excise Licences.

43.—Excise Licence for Exciseable Liquors not to be Granted without Certificate.—No licence for the sale of spirits, wine, porter, ale, beer, cyder, perry, or other exciseable liquors by retail, whether to be drunk or consumed on the premises of the person licensed or not, shall be granted by the Commissioners of Inland Revenue, or by any officer of Inland Revenue, to any person in Scotland who shall not produce to the said Commissioners or officer a certificate granted in terms of this Act, enabling the party to obtain such licence, and every licence which shall be granted contrary to the terms of this Act shall be null and void to all intents and purposes.

44.—Excise Licence for Table Beer not to be Granted without Certificate.—No licence in the terms of the Revenue (No. 1) Act, 1861, for the sale in any house, shop, or premises of table beer at a price not exceeding one penny halfpenny the quart, and not to be drunk on the premises, shall be granted by the Commissioners or by any officer of Inland Revenue to any person in Scotland who shall not produce to the said Commissioners or officer a certificate in terms of this Act, and such certificate shall be applied for, granted, confirmed, transferred, and renewed in the manner, and subject to all the provisions applicable to other certificates in the like circumstances granted, confirmed, transferred, and renewed in terms of this Act, and, mutatis mutandis, may be in the form No. 3 (so far as the same is applicable) of the Sixth Schedule annexed hereto.

45.—Excise Licence for Sweets not to be Granted without Certificate.—No licence for the sale of sweets by retail, whether to be drunk or consumed on the premises of the person licensed or not, shall be granted by the Commissioners or by any officer of Inland Revenue to any person who shall not produce to the said Commissioners or officer a certificate granted in terms of this Act, enabling the party to obtain such licence, and such certificate shall be applied for, granted, confirmed, transferred, and renewed in the manner and subject to all the provisions applicable to other certificates in the like circumstances granted, confirmed, transferred, and renewed in terms of this Act, and, mutatis mutandis, may be in the Form No. 2, or in the Form No. 3 (so far as the same is applicable) of the Sixth Schedule annexed hereto.

46.—Forfeiture of Excise Wholesale Licences in Certain Cases.—Every holder of an excise licence for the sale of exciseable liquor obtained without the production of a certificate from a licensing court, who shall be guilty of an offence against the provisions of the sections of this Act whereof the marginal notes are respectively "Distribution of liquor from vans," "Penalties for trafficking without certificate," "Penalty for bartering or selling spirits without certificate," and "Penalty

for hawking exciseable liquors," or any of such provisions, or of knowingly permitting any breach of the peace, drunkenness, or riotous and disorderly conduct within his premises, or selling or supplying exciseable liquors to persons who are in a state of intoxication, or selling or giving out the same on a Sunday, shall, on conviction thereof, forfeit such licence, and shall be incapable of obtaining or holding any such licence for a period of two years from the date of such conviction, and it shall be the duty of the clerk of the convicting court to transmit forthwith to the Commissioners of Inland Revenue the particulars of any such conviction.

47.—Excise Licence for New Theatre not to be Granted without Certificate.—Notwithstanding anything contained in the Excise Act, 1835, no licence to sell exciseable liquors in any theatre or other place of public entertainment erected after the commencement of this Act shall be granted by the Commissioners of Inland Revenue to any person who shall not produce a certificate granted in terms of this Act.

48.—Remission of Duty in Case of Six-Day and Early Closing Excise Licence.—The holder of a six-day certificate or of an early closing certificate may obtain from the Commissioners of Inland Revenue any licence granted by such Commissioners which he is entitled to obtain in pursuance of any such certificate, upon payment of six-seventh parts of the duty which would otherwise be payable by him for a similar licence not limited to six days or to such early closing respectively; and the holder of a certificate containing conditions rendering such certificate a six-day certificate as well as an early closing certificate, shall be entitled to a remission of two-sevenths of the duty. In this section the expression "six-day certificate" shall include a certificate for a public-house in Scotland.

49.—Continuance of Licence During Pendency of Appeal against Licensing Court's Refusal to Renew.—Where any licensing court refuses to renew a certificate and an appeal against such refusal is duly lodged, and such certificate expires before the appeal is determined, the Commissioners of Inland Revenue may, by order, permit the person whose certificate is refused, to carry on his business during the pendency of the appeal upon such conditions as they think just, and subject to such conditions any person so permitted may, during the continuance of such order, carry on his business in the same manner as if the renewal of the certificate had not been refused.

50.—Excise Licence for Naval and Military Canteens may be Granted without Certificate.—Notwithstanding any enactment to the contrary, it shall not be necessary for a person holding a canteen under the authority of a Secretary of State or of the Admiralty to obtain a certificate to enable him to obtain or hold any excise licence for the sale of any exciseable liquor, and an excise licence may be granted to any such person accordingly.

51.—Date of Termination of Excise Licence.—Every excise licence for the sale by retail of any exciseable liquor, whether to be consumed on the premises or not, which shall be taken out in Scotland shall expire on the twenty-eighth day of May following the granting thereof, anything in the Excise Licences Act, 1825, or in any other Act contained to the contrary notwithstanding.

Part IV.—Offences and Penalties.

52.—Sale to be by Standard Measure.—All exciseable liquor sold by retail by a holder of a certificate shall, unless sold in cask or bottle, or in quantities less than a pint, be sold in measures marked according to the imperial standards. Every person who acts or suffers any person under his control or in his employment to act in contravention of this section shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for any subsequent offence twenty pounds, and shall also be liable to forfeit the illegal measure in which the liquor was sold.

53.—Penalties for Breach of Certificate.—Every certificate to be granted under the authority of this Act shall be and be held on the terms, provisions, and conditions therein contained; and in case any person holding such certificate, and having any excise licence for the sale of exciseable liquors, to him in that behalf granted, shall offend against any of the terms and conditions contained in such

certificate, every person so offending shall for every such offence forfeit and undergo the several penalties and disabilities hereinafter mentioned; that is to say, for the first offence a sum not exceeding five pounds, with the expenses of conviction, to be ascertained upon conviction; and in addition to such penalty, the certificate granted to such person may be declared to be forfeited and to become void and null; and for the second offence the offender shall forfeit a sum not exceeding ten pounds, with the expenses of conviction, to be ascertained upon conviction; and in addition to such penalty, the certificate granted to such person may be declared to be forfeited and to become void and null; and for the third offence, the offender shall forfeit a sum not exceeding twenty pounds, with the expenses of conviction, to be ascertained upon conviction; and in addition to such penalty, the certificate granted to such person shall be declared to be forfeited and to become void and null.

54.—What shall be Deemed Second and Third Offences.—If any person shall have been convicted of any breach of the terms and conditions of the certificate held by him in one year as a first offence, and such person shall, in the following or any subsequent year within three years after, be charged with a breach of the terms and conditions of any other such certificate subsequently obtained by such person, and be thereof convicted, such conviction shall be deemed and taken to be a conviction for a second offence; and so in like manner, if such person shall be again convicted within three years, it shall be deemed and taken to be a conviction for a third offence within the meaning of this Act; and that notwithstanding of such second or third offence being in breach of other and different terms and conditions, or of other and different certificates obtained subsequently to the certificate for the breach of the conditions of which the first or second conviction took place.

55.—Saving for Sales on Order by Certain Officials.—Notwithstanding the provisions of this Act, it shall be lawful for any holder of any certificate to give out and supply exciseable liquor from his licensed premises at any time when such giving out and supply would be otherwise illegal on an order stating why such liquor is required, signed by an officer of police, or procurator-fiscal, or medical officer, which signed order shall be sufficient defence in any prosecution, provided it be transmitted by post, with a note of the description and quantity of liquor supplied, and the name and address of the person so supplied to the procurator-fiscal within forty-eight hours after the supply is made. The procurator-fiscal shall transmit a list of such orders received by him, showing the names and descriptions of all persons signing the same during the current half year, to the clerk of the licensing court seven days before the day fixed for each half-yearly meeting of such court.

56.—Saving for Sales at Railway Stations.—Nothing in this Act contained as to days or hours of closing shall preclude the sale at any time on any day other than Sunday at a railway station of exciseable liquors to persons arriving at or departing from such station by railroad.

57.—Exciseable Liquors when to be Deemed to have been Drunk on the Premises. —If any person licensed to sell, by retail, any exciseable liquors, not to be consumed on the premises, shall take or carry, or authorise or permit or suffer to be taken or carried, any such exciseable liquors out of or from the house, shop, or premises of such licensed person, for the purpose of being sold or hawked on his account, or for his benefit or profit, or for the purpose of being drunk or consumed for his benefit or profit in any other house, or in any tent, shed, or other premises, of any kind whatever, belonging to such person, or hired, used, or occupied by him, or in which he may be interested, such exciseable liquors shall be deemed and taken to have been drunk or consumed upon the premises of the person so licensed, and such person shall be deemed guilty of a breach of his certificate, and shall be liable in the penalties and expenses and forfeitures for such offence, by this Act provided.

58.—Sale of Spirits to Children under Sixteen Illegal.—Every holder of a certificate who sells or allows any person to sell to be consumed on the premises any description of spirits to any person apparently under the age of sixteen years shall be liable to a penalty not exceeding twenty shillings for the first offence and not exceeding forty shillings for the second and any subsequent offence.

59.—Sale of Exciseable Liquors to Children under Fourteen Illegal.—(1) Every holder of a certificate who knowingly sells or delivers, or allows any person to

sell or deliver, save at the residence or working place of the purchaser, any description of exciseable liquor to any person under the age of fourteen years for consumption by any person on or off the premises, excepting such exciseable liquors as are sold or delivered in corked and sealed vessels in quantities not less than one reputed pint for consumption off the premises only, shall be liable to a penalty not exceeding forty shillings for the first offence, and not exceeding five pounds for any subsequent offence; and every person who knowingly sends any person under the age of fourteen years to any place where intoxicating liquors are sold, or delivered, or distributed, for the purpose of obtaining any description of exciseable liquor, excepting as aforesaid, for consumption by any person on or off the premises, shall be liable to a penalty not exceeding forty shillings for the first offence, and not exceeding five pounds for any subsequent offence.

(2) In this section the expression "corked" means closed with a plug or stopper, whether it is made of cork, or wood, or glass, or some other material; and the expression "sealed" means secured with any substance without the destruction of which the cork, plug, or stopper cannot be withdrawn.

(3) Nothing in this section shall prevent the employment by the holder of a certificate of a member of his family or his servant or apprentice as a messenger to deliver exciseable liquors.

60.—Sunday Sales to Travellers.—(1) If the keeper of a licensed inn and hotel sell or give out exciseable liquor on Sunday to any traveller except for the personal use of, and to be drunk by, such traveller within such inn and hotel or on the premises belonging thereto, the keeper of such inn and hotel shall be deemed guilty of a breach of his certificate, and shall, on conviction thereof, be liable in the penalties and expenses and forfeitures for such offence by this Act provided.

(2) If any traveller shall induce the keeper of a licensed inn and hotel, or the servant of such keeper, to sell or give out to him exciseable liquors on Sunday, except as aforesaid, such traveller shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding forty shillings.

61.—Penalty on Persons Falsely Representing Themselves to be Travellers.—Every person who by any wilfully false representation shall induce any inn and hotel keeper, or the servant of any inn and hotel keeper, to sell or give out to him exciseable liquors on any Sunday, or to sell or give out to him exciseable liquors on any other day during hours when the sale of exciseable liquors, excepting to lodgers or travellers, is prohibited by the certificate of such inn and hotel keeper, shall thereby be guilty of an offence, and on being convicted thereof by any sheriff or any one justice of the peace or magistrate shall forfeit and pay a penalty not exceeding five pounds.

62.—Harbouring Constables while on Duty, etc.—If any licensed person—

(1) knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty; or

(2) supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty unless by authority of some superior officer of such constable; or

(3) bribes or attempts to bribe any constable;

he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second or any subsequent offence twenty pounds.

63.—Distribution of Liquor from Vans.—(1) It shall not be lawful for any person holding a licence or certificate for the sale of exciseable liquors, or any servant of such person—

(*a*) to sell, distribute, or deliver to a customer any exciseable liquor from any van or other vehicle, unless before such van or other vehicle leaves the premises, in respect of which such licence or certificate is held, such liquor has been ordered by the customer, and the amount thereof to be sold, distributed, or delivered has been entered in a delivery book, pass book, or invoice, and in a day book, which delivery book, pass book, or invoice shall be carried by the driver of such van or other vehicle, and which day

book shall be retained in the aforesaid premises, and such delivery book pass book, or invoice, as well as such day book, shall specify the name and address of each person to whom such liquor is being conveyed, and the quantity and description of liquor to be delivered to each person; or

(*b*) to carry in any such van or other vehicle while in use for distribution or delivery to customers any exciseable liquor not entered in the delivery book, pass book, or invoice, and in the day book; or

(*c*) to deliver from such van or other vehicle any exciseable liquor to any person other than a person whose name and address are specified as aforesaid, or anyone authorised by such person to receive such liquor at the address so specified.

(2) It shall be lawful for any constable to examine at any time any such van or other vehicle used for carrying exciseable liquors, and the driver of such vehicle and the holder of the licence or certificate or his servant having custody of the day book hereinbefore mentioned shall be bound to exhibit to any constable, for his examination, his delivery book, pass book, invoices, or day book, as the case may be, and any person who shall refuse to allow any constable to examine such van or other vehicle, or shall fail to exhibit his delivery book, pass book, invoices, or day book for such examination, or shall make any fictitious entry therein, shall be guilty of an offence under this section.

(3) Every person convicted of an offence against any of the foregoing provisions of this section shall be deemed guilty of the offence of hawking exciseable liquors, and shall be liable in the penalties for such offence provided by this Act; and every holder of a certificate who is so convicted, and (unless he proves to the satisfaction of the court that such offence was committed without his knowledge or against his consent) every holder of a certificate whose servant is so convicted shall also be deemed guilty of a breach of his certificate, and shall be liable in the penalties and expenses and forfeitures for such offence provided by this Act.

(4) If any person shall induce the owner or person in charge of a van or other vehicle used for delivering exciseable liquors to sell or supply to him therefrom any exciseable liquor contrary to the terms of this Act, such person shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

64.—Collection of Rates and Taxes on Licensed Premises Prohibited.—No public rates or taxes shall be collected in any premises licensed for the sale of exciseable liquor, nor in any office, garden, or court therewith occupied, and everyone collecting rates or taxes therein shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

65.—Penalties for Trafficking without Certificate.—(1) Every person trafficking in any exciseable liquors in any place or premises without a certificate to him in that behalf granted, according to the provisions of this Act, shall, upon his being convicted thereof, as hereinafter mentioned, forfeit and pay for the first offence a sum not exceeding fifty pounds, with the expenses of conviction, to be ascertained upon conviction; and for the second offence the offender shall forfeit a sum not exceeding one hundred pounds, with the expenses of conviction, to be ascertained upon conviction; and for the third and every subsequent offence the offender shall forfeit a sum not exceeding one hundred pounds, with the expenses of conviction, to be ascertained upon conviction: Provided always that such respective penalties shall be over and above any penalty which such person so convicted may have incurred or paid, or be liable to pay, for or by reason of such trafficking under any Act relating to inland revenue or excise.

(2) Any person prosecuted for such trafficking, may be legally convicted thereof on his own confession, or on proof by the oath of one or more credible witness or witnesses, or other legal evidence.

66.—Penalty for Bartering or Selling Spirits without Certificate.—(1) Every person bartering or selling spirits without having obtained a certificate, and every dealer in groceries or other provisions to be consumed elsewhere than on the premises, supplying, whether gratuitously or otherwise, spirits to be consumed on the premises, shall be deemed guilty of an offence, and shall for such offence forfeit

and pay the penalties provided in the immediately preceding section: Provided always that any person who shall have been three times convicted of any offence against the provisions of this section shall be incapable of holding a licence for the sale of exciseable liquors in all time coming.

67.—Penalty for Hawking Exciseable Liquors.—Every person hawking exciseable liquors shall thereby be guilty of an offence, and may be taken into custody by any constable, or, in the absence of any constable, by any person whomsoever, and may be detained in any police office or police cells, or other convenient place, and not later than in the course of the first lawful day after he shall have been so taken into custody shall be brought before a justice of the peace or magistrate; or if not so taken into custody, or if he shall have been liberated on bail or pledge, may be summoned to appear before a justice of the peace or magistrate, and on being convicted of such offence shall forfeit and pay a penalty not exceeding ten pounds.

68.—Penalty on Disorderly Persons Refusing to Quit Licensed Houses.—Every person who shall be riotous, quarrelsome, or disorderly in any shop, house, premises, or place licensed for the sale of exciseable liquors by retail, whether to be consumed on the premises or not, and shall refuse or neglect to quit such shop, house, premises, or place upon being requested so to do by the occupier or manager thereof, or his agent or servant, or by any constable, and every person who shall refuse to quit such shop, premises, or place at the time of closing prescribed under the provisions of this Act, on being required to do so as aforesaid, shall thereby be guilty of an offence, and may be taken into custody by any constable, and detained in any police office or police cells, or other convenient place, and, not later than in the course of the first lawful day after he shall have been so taken into custody, shall be brought before a sheriff or any one justice of the peace or magistrate, or if not so taken into custody, or if he shall have been liberated on bail or pledge, may be summoned to appear before a sheriff or any one justice of the peace or magistrate, and on being convicted of such offence shall forfeit and pay a penalty not exceeding forty shillings; and all constables are hereby authorised and empowered to assist in expelling such riotous, quarrelsome, or disorderly person refusing to quit the premises at the hour of closing from such shops, houses, premises, and places.

69.—Penalty for Inducing Grocer to Sell Exciseable Liquors Illegally.—If any person shall induce the holder of a dealer's or grocer's certificate, or any person who is licensed to sell exciseable liquors not to be consumed on the premises, to sell or supply to him any exciseable liquor, and he shall drink the same, or part thereof, on the said licensed premises, such person shall be guilty of an offence and shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

70.—Penalties for Drunkenness, Riotous Behaviour, and other Offences Involving Drunkenness.—(1) Every person found in a state of intoxication, and incapable of taking care of himself, and not under the care or protection of some suitable person, in any street, thoroughfare, or public place, whether a building or not, or on any licensed premises, and every person who is drunk while in charge in any street or other place of any carriage, horse, cattle, or steam engine, or when in the possession of any loaded firearms, shall be thereby guilty of an offence, and may be taken into custody by any constable, and detained in any police office or police cells, or other convenient place, and not later than in the course of the first lawful day after he shall have been so taken into custody, shall be brought before a sheriff or any one justice of the peace or magistrate, or if not so taken into custody, may be summoned to appear before a sheriff, justice of the peace, or magistrate, and on being convicted of such offence shall be liable to a fine not exceeding forty shillings, and failing payment to imprisonment for a period not exceeding thirty days.

Every person who in any street, thoroughfare, or public place, whether a building or not, or on any licensed premises, behaves while drunk in a riotous or disorderly manner, or while drunk uses obscene or indecent language to the annoyance of any person, shall be liable, on summary conviction, to a fine not exceeding forty shillings, and failing payment to imprisonment for a period not exceeding thirty days, or in the discretion of the court to imprisonment for a period not exceeding thirty days.

(2) If any person is found drunk in any street, thoroughfare, or public place, whether a building or not, or on any licensed premises while having the charge of a

child apparently under the age of seven years, he shall, if the child is under that age, be liable, on summary conviction, to a fine not exceeding forty shillings, and failing payment to imprisonment for a period not exceeding thirty days. If the child appears to the court to be under the age of seven, the child shall for the purposes of this section be deemed to be under that age unless the contrary is proved.

(3) An offence under this section shall be deemed to be an offence mentioned in the First Schedule to the Inebriates Act, 1898.

(4) The provisions of this section shall in the burghs to which the general or local Police Acts specified in Part II. of the Twelfth Schedule annexed hereto respectively apply have effect as if they were provisions of and enacted in such Acts, and where enactments dealing with the same matter are mentioned in such Part, in lieu of such enactments, and such Acts and references therein shall be construed accordingly both as regards the application of penalties and in all other respects.

If any person charged with an offence under this section shall have been taken into custody and liberated on bail or pledge and shall fail to appear at the calling of the case at the first court thereafter, the court may (save as otherwise provided by or under any general or local Police Act applying to a burgh as aforesaid) declare such bail or pledge to be forfeited, and may in addition, if the case in the opinion of the court shall so require, summon him to appear before the court or grant a warrant for his apprehension.

(5) For the purposes of this section the expression "public place" shall include any railway station, and any place to which the public have access, whether on payment or otherwise, and any public conveyance, and the expressions "carriage" and "cattle" shall have the meanings respectively assigned thereto in the Burgh Police (Scotland) Act, 1892.

(6) For the purposes of this section the expression "public place" shall include the Harbour of Glasgow, the expression "public conveyance" shall include the ferry boats in the River Clyde as defined by the Clyde Navigation Acts, and the expression "magistrate" shall include the bailie, depute bailie, and judge exercising jurisdiction in the court of the bailie of the River and Firth of Clyde.

(7) Notwithstanding anything contained in the Police (Scotland) Act, 1857, section thirteen of that Act shall extend to Orkney and Shetland, and have full application therein upon the apprehension of any person charged with an offence against this section, with the substitution (so long as the said Act does not extend generally to Orkney or Shetland) of any sheriff criminal officer duly authorised by the sheriff for the chief constable or other officer, and of forty shillings for ten pounds respectively specified therein.

71.—Power to Require Person Convicted of Drunkenness to Find Caution.—Where a person is convicted of any offence mentioned in the First Schedule to the Inebriates Act, 1898, the court may, either in addition to or in substitution for any other penalty, order the offender to find caution for good behaviour for any period not exceeding six months, and under a penalty not exceeding twenty pounds, and in default of such caution being found, to be imprisoned for a period not exceeding thirty days.

72.—Prohibition of Sale of Exciseable Liquor to Persons Convicted of Drunkenness.—(1) Where any person is convicted of any offence mentioned in the First Schedule to the Inebriates Act, 1898, and within the twelve months preceding the date of such conviction has been convicted at least three other times of any offence so mentioned, the court may order that notice of the conviction, with such particulars as may be prescribed by the Secretary for Scotland, be sent to the police authority (within the meaning of the Police (Scotland) Act, 1890) for the police area in which the court is situate.

(2) Where a court in pursuance of this Act orders notice of a conviction to be sent to a police authority, the court shall inform the convicted person that the notice is to be so sent; and

(*a*) if the convicted person within three years after the date of the conviction purchases or obtains, or attempts to purchase or obtain, any exciseable liquor at any premises licensed for the sale of exciseable liquor by retail, or at the premises of any club registered in pursuance of the provisions of this Act, he

shall be liable, on summary conviction, to a fine not exceeding for the first offence twenty shillings, and for any subsequent offence forty shillings; and

(*b*) if any person holding a certificate for the sale of exciseable liquors by retail, whether for consumption on or off the premises, or any person selling, supplying, or distributing exciseable liquor, or authorising such sale, supply, or distribution on the premises of a club registered in conformity with the provisions of this Act, within that period knowingly sells, supplies, or distributes, or allows any person to sell, supply, or distribute, exciseable liquor to, or for the consumption of, any such person, he shall be liable, on summary conviction, for the first offence, to a fine not exceeding ten pounds, and for any subsequent offence in respect of the same person, to a fine not exceeding twenty pounds.

(3) Regulations shall be made by the police authority for the purpose of securing the giving of information to licensed persons and secretaries of clubs registered under this Act of orders made under this section, and for assisting in the identification of the convicted persons.

73.—Habitual Drunkenness Equivalent to Cruelty in Consistorial Action.—Where a husband or wife is a habitual drunkard as defined by section three of the Habitual Drunkards Act, 1879, and this fact is established in a consistorial action instituted by either spouse according to the existing law and practice in Scotland, such fact shall be held to be equivalent in law to and shall have and be treated by the Court as having the same legal consequences and effects as cruelty and bodily violence by the habitual drunkard towards his or her spouse.

74.—Penalty for Procuring Drink for Drunken Person.—Any person who, being on any premises licensed for the sale of any exciseable liquor, whether for consumption on or off such premises, shall procure, or attempt to procure, any exciseable liquor for consumption by any drunken person, or who shall aid and abet any drunken person in obtaining or consuming any exciseable liquor on any premises so licensed as aforesaid, shall be liable, on summary conviction, to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

75.—Penalty on Persons found in Shebeens Drunk or Drinking.—(1) Every person found in any shebeen drunk or drinking shall thereby be guilty of an offence, and may at the time be taken into custody by any constable, and detained in any police office or police cells, or other convenient place, and not later than in the course of the first lawful day after he shall be so taken into custody shall be brought before a justice of the peace or magistrate; or if not so taken into custody, or if he shall have been liberated on bail or pledge, may be summoned to appear before a justice of the peace or magistrate, and on being convicted of such offence shall forfeit and pay a penalty not exceeding ten shillings.

(2) The offence under this section of being found in any shebeen drunk shall be deemed to be an offence mentioned in the First Schedule to the Inebriates Act, 1898.

76.—Penalties for Allowing Drinking at Refreshment House during Hours when Licensed Houses Closed.—No exciseable liquor shall be consumed upon premises used as a refreshment house or other place of public resort for the sale or consumption of provisions, confectionery, ice-cream, aerated waters, or refreshments of any kind, or for the sale or consumption of tobacco or cigars, during the days and hours in which the same premises would if they were licensed as a public-house under this Act be closed by law for the sale and consumption of exciseable liquors; and if any person keeping or occupying any such premises allows any exciseable liquor to be consumed thereon in contravention of the provision herein contained, he shall on conviction be liable for the first offence to a penalty not exceeding ten pounds, and for a second or subsequent offence to a penalty not exceeding twenty pounds, unless he proves to the satisfaction of the court that such liquor was so consumed without his knowledge or against his consent.

Part V.—Registration of Clubs.

77.—Register of Clubs to be Kept.—(1) From and after the commencement of this Act a register shall be kept by the sheriff clerk (hereinafter called "the

registrar "), in which he shall enter the name of each club to which a certificate of registration is granted under the provisions of this Act; which register shall show the date of such certificate, whether such certificate is granted for the first time or on renewal, the address of the premises to which the certificate is applicable, and the names and addresses of the officials and the committee of management or governing body of the club, and whether the club is tenant or the proprietor and occupier of the said premises. The register and copy of the rules lodged with the registrar shall at all reasonable hours be open to inspection by a chief officer of police or any constable authorised by him in writing, or any officer of the Inland Revenue, without fee, and by any person on payment of a fee of one shilling.

(2) The registration of a club under this Act shall not constitute the club licensed premises or authorise any sale of exciseable liquors therein which would otherwise be illegal.

78.—Application for Registration.—(1) The secretary of any club desiring a certificate of registration shall lodge with the registrar an application signed by the chairman, secretary or authorised law agent of the club, stating the name and object of the club, and the address of the premises occupied by the club. Such application shall be accompanied by two copies of the rules of the club, by a list containing the names and addresses of the officials and committee of management or governing body, and the names of the members, and by a certificate in or as nearly as may be in the form set out in the Tenth Schedule annexed hereto, which certificate shall be signed by two justices of the peace for the county within which such premises are situate, or where such premises are situate within a burgh, either by two justices of the peace as aforesaid, or by two magistrates of the burgh, or by one justice and one magistrate, and shall also, where such premises are not owned by the club, be signed by the owner of such premises, or, where the owner is under any legal disability, by his legal representative. Provided that, where such premises are held under a lease for a term of years which was entered into not later that Whitsunday one thousand nine hundred and three, the signature of such owner shall not be required.

(2) The secretary of any club desiring a renewal of the certificate shall, at a date not later than twenty-one days prior to its expiry, make application to the registrar for such renewal in the same manner and subject to the same incidents as in the case of an original application for registration.

(3) Every club applying either for an original certificate or for a renewal shall as a condition of registration make payment to the registrar of a fee of five shillings.

79.—Grant and Renewal of Certificate of Registration.—(1) The registrar shall forthwith give notice of such application to the chief officer of police, and also, where the club is situated within a burgh, to the town council of such burgh, and, where not within a burgh, to the parish council of the parish, and if no objections are taken as hereinafter provided the sheriff shall, if satisfied that the application has been duly made as aforesaid and that the rules of the club are in conformity with the provisions of this Act, grant the application.

(2) It shall be competent for such chief officer of police, town council, or parish council, on receiving such notice, and for no other person or persons, to lodge objections to the grant or renewal of the certificate, on any of the grounds of objection specified in this Act. Such objections shall be lodged by the objectors with the registrar within ten days of the receipt of the notice of application, and at the same time a copy of the objections shall be sent by them to the secretary of the club applying for the grant or renewal of a certificate.

(3) The sheriff shall as soon as may be hear parties upon the application and objections, and may order such inquiry as he thinks fit, and thereafter shall grant or refuse the application. Upon the grant of any such application the sheriff shall cause the entries required by this Act to be made in the register, and thereupon the registrar shall issue to the applicant in, or as nearly as may be in, the form set out in the Tenth Schedule annexed hereto, a certificate of registration. Such certificate so issued shall, subject to the provisions of this Act, remain in force for a period of twelve months from the date of issue.

(4) The sheriff shall have power to award expenses against the unsuccessful party where objection has been taken to the grant or renewal of a certificate, and such

expenses payable by objectors may be charged against the county or burgh police assessment, burgh general assessment, or special parish rate, as the case may be.

(5) Notwithstanding the provisions of this Act as to the duration of a certificate, where a renewal has been applied for, the current certificate shall remain in force pending the final decision of the sheriff, but not exceeding three months, unless the sheriff shall in his discretion extend such time to a further period not exceeding other three months.

(6) A club failing to make application for renewal of a certificate by the date at or previous to which such application must in terms of this Act be made, shall not be granted such renewal unless the sheriff is satisfied that such failure was due to inadvertence.

(7) A club may make application for a certificate of registration at any time after the thirtieth day of November nineteen hundred and three and before the commencement of this Act, and no club which has made such application shall be deemed to be an unregistered club pending the final decision of the sheriff on such application, and any application so made shall for the purposes of this section be deemed to have been made on the first day of January nineteen hundred and four.

80.—Club Rules Qualifying for Registration.—In order that any club may be eligible to be registered, the rules of the club shall provide—

(*a*) that the business and affairs of the club shall be under the management of a committee or governing body elected for not less than a year by the general body of members and subject in whole or in a specified proportion to annual re-election, and that no member of the committee or governing body and no manager or servant employed in the club shall have any personal interest in the sale of exciseable liquors therein or in the profits arising from such sale;

(*b*) that the committee or governing body shall hold periodical meetings;

(*c*) that the names and addresses of persons proposed as ordinary members of the club shall be displayed on a conspicuous place in the club premises for at least a week before their election, and that an interval of not less than two weeks shall elapse between nomination and election of ordinary members.

(*d*) that all members shall be elected by the whole body of members or by the committee or governing body, with or without specially added members;

(*e*) that there shall be a defined subscription payable by members in advance;

(*f*) that correct accounts and books shall be kept showing the financial affairs and intromissions of the club;

(*g*) that a visitor shall not be supplied with exciseable liquor in the club premises unless on the invitation and in the company of a member, and that the member shall, upon the admission of such visitor to the club premises or immediately upon his being supplied with such liquor, enter his own name and the name and address of the visitor in a book which shall be kept for the purpose, and which shall show the date of each visit;

(*h*) that no exciseable liquors shall be sold or supplied for consumption outside the premises of the club except as hereinafter provided;

(*i*) that no person shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein;

(*j*) that no person under eighteen years of age shall be admitted a member of the club unless the club is one primarily devoted to some athletic purpose, and, in the latter case, that no exciseable liquors shall be sold or supplied to any person under eighteen years of age:

Provided always that this section shall not apply to any lodge of Freemasons duly constituted under a charter from the Grand Lodge of Scotland, and that sub-sections (*c*), (*d*), and (*j*) of this section shall not apply to a University Students' Union which is recognised and certified as such to the registrar by the Senatus Academicus of a university.

81.—Competent Grounds of Objection to Registration.—The sheriff shall not

consider any objection to the grant or renewal of a certificate unless it is taken upon one or more of the following grounds:—

(*a*) that the application made by the club, or its rules, or any of them, are in any respect specified in such objection not in conformity with the provisions of this Act; or

(*b*) that the club has ceased to exist or that the number of members is less than twenty-five; or

(*c*) that it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose, or mainly for the supply of exciseable liquor; or

(*d*) that there is frequent drunkenness on the club premises or that persons in a state of intoxication are frequently seen to leave the club premises or that the club is conducted in a disorderly manner; or

(*e*) that illegal sales of exciseable liquor have taken place on the club premises; or

(*f*) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining exciseable liquor; or

(*g*) that the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a certificate for the sale of exciseable liquors has been forfeited or the renewal of such a certificate has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club; or

(*h*) that the supply of exciseable liquor to the club is not under the control of the members or the committee appointed by the members; or

(*i*) that any of the rules of the club are habitually broken; or

(*j*) that the rules have been so changed as not to be in conformity with the provisions of the immediately preceding section of this Act.

82.—Search Warrant to Enter Club.—(1) If a justice of the peace of any county or magistrate of any burgh is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground of objection to the renewal of its certificate in terms of the immediately preceding section, or that an offence under this Act has been or is being committed in any registered club, or that any exciseable liquor is sold or supplied or kept for sale or supply on the premises of an unregistered club, he may grant a search warrant to any constable or constables named therein.

(2) A search warrant granted under this section shall authorise the constable or constables named therein to enter the club at any time, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club.

(3) In the event of any person or persons found in said premises refusing to give their respective names and addresses when requested by any such constable, or giving false names or addresses, such person or persons so doing shall be liable severally, on summary conviction, to a fine not exceeding five pounds.

83.—Penalty for Supplying or Keeping Exciseable Liquor in Unregistered Club.—(1) If any exciseable liquor is supplied or sold to any member or other person on the premises of an unregistered club, every person supplying or selling such liquor, every person who shall pay for such liquor, and every person authorising the supply or sale of such liquor, shall be liable, on summary conviction, to imprisonment with or without hard labour for a term not exceeding one month, or to a fine not exceeding fifty pounds, or to both.

(2) If any exciseable liquor is kept for supply or sale on the premises of an unregistered club, the same, and the vessels containing the same, may be seized by the police under a warrant from a justice of the peace, or magistrate, granted after examination on oath of a credible witness to the fact that such liquor is so kept, and every officer and member of the club shall be liable, on summary conviction, to a fine not exceeding for a first offence seven pounds, and for a second offence fifteen pounds, and for a third or subsequent offence thirty pounds, unless he proves to the satisfaction of the court that such liquor was so kept without his knowledge or against his consent, and on such conviction such liquor and the vessels containing the same shall be forfeited and

sold, and the proceeds thereof paid into the funds of the county or into the police funds of the burgh.

84.—Penalties for Supplying Exciseable Liquor for Consumption Outside Registered Club.—If any exciseable liquor is sold or supplied in a registered club for consumption outside the premises of the club, except to a member on the premises, and for his own consumption, or to a person holding an excise licence for the sale of such liquor, every person supplying or selling such liquor, every person who shall pay for such liquor, and every person authorising the sale or supply of such liquor, shall be liable severally, on summary conviction, to a fine not exceeding for a first offence seven pounds, for a second offence fifteen pounds, and for a third or subsequent offence thirty pounds, unless he proves to the satisfaction of the court that such liquor was so sold or supplied without his knowledge or against his consent; and where it is proved that such liquor has been received, delivered, or distributed within the premises of the club and taken outside the premises, it shall, failing proof to the contrary, be deemed to have been so taken for consumption outside the premises.

85.—Power to Cancel Certificate of Registration.—(1) On summary complaint by or at the instance of any person or council competent to lodge objections to the grant or renewal of a certificate of registration, it shall be lawful for the sheriff, and also, in a burgh, for any magistrate, to pronounce a finding that on grounds to be specified therein a registered club is being so managed or carried on as to constitute a ground of objection to the renewal of its certificate as hereinbefore provided.

(2) Where such finding has been pronounced, or where a conviction has taken place under the provisions of the immediately preceding section, a certified copy of the complaint and finding, or of the complaint and conviction, as the case may be, shall within six days from the date of such finding or conviction be transmitted by the clerk of the court (not being the sheriff clerk) to the registrar, who shall forthwith make an entry of every such finding or conviction in the register of clubs, and lay the same before the sheriff, and it shall be lawful for the sheriff, if he think fit, and after such further inquiry as he may think necessary, having regard to the magnitude of the offence or to the grounds specified as aforesaid, to cancel the certificate of the club for the period for which it may still have to run, provided always that it shall be competent for such club to apply for the renewal of the certificate at the date at which it would have been competent to do so had the certificate not been cancelled.

(3) Where the sheriff has refused an application by any club for the renewal of a certificate, or has cancelled the certificate of a club in manner provided as aforesaid, he may, if he think fit, further pronounce an order that the premises occupied by such club shall not be used for the purposes of any club which requires registration under this Act, for a specified period, which may extend to twelve months in case of a first order, or in case of a second or subsequent order to five years: Provided that any such order may, for good cause shown, be subsequently cancelled or varied by the sheriff.

86.—Penalties for Offences by Officials of Registered Club.—Where a finding has been pronounced that a registered club is being so managed or carried on as to constitute a ground of objection to the renewal of its certificate, then, if the following grounds, or any of them, are specified in such finding, videlicet:—

(1) that it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose, or mainly for the supply of exciseable liquor; or

(2) that there is frequent drunkenness on the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner; or

(3) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining exciseable liquor—

every person entered in the register of clubs as an official or a member of the committee of management or governing body of the club shall, unless he satisfies the court that the club was so managed or carried on without his knowledge or against his consent, be liable, on summary conviction, to a penalty not exceeding for a first offence seven pounds, for a second offence, whether in connection with the same or

another club, fifteen pounds, and for a third or subsequent offence as aforesaid thirty pounds.

87.—Citation of Registered Club.—Any citation of a registered club may be validly made in the registered name thereof in terms of the Citation Amendment (Scotland) Act, 1882, or by a copy of such citation being left by an officer of court at the registered address of the club.

88.—Sheriff's Decision Final.—(1) The jurisdiction of a sheriff being a member of any club shall not be excluded by such membership.

(2) The decision of the sheriff in dealing with an application for an original certificate or for the renewal of a certificate or in cancelling a certificate shall be final and not subject to review.

89.—Penalty for Making False Application.—If the secretary of any club or any other person knowingly lodges with the registrar an application for registration which is false in any material particular, he shall be liable, on summary conviction before the sheriff, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both.

90.—Definitions for this Part of Act.—In this Part of this Act the expression—

"Certificate" shall mean a certificate of registration:

"Registered club" shall mean a club holding a certificate of registration in force at the time:

"Secretary" shall include any officer of a club or other person performing the duties of a secretary.

Part VI.—Legal Proceedings.

91.—Prosecution of Offences and Application of Penalties and Expenses.—(1) Every person who shall commit any breach of certificate, or who shall in any other manner offend against this Act, shall be prosecuted, and all penalties, together with the expenses of prosecution and conviction to be ascertained on conviction, shall be recovered, unless by this Act otherwise specially directed or authorised, before the sheriff or any two or more justices of the peace of a county or any magistrate of a royal, parliamentary, or police burgh having jurisdiction in the county or burgh, as the case may be, in which such offender shall reside or such offence shall have been committed, at the instance of the procurator-fiscal, or other prosecutor ordinarily acting in such respective courts, or in the case of a justice of the peace or burgh police court at the instance of such other party as shall be specially appointed to prosecute such class of offences by the justices of the peace of the county in general quarter sessions assembled, or the town council of the burgh, as the case may be, and which appointment they are hereby specially authorised to make, and such justices of the peace in general quarter sessions, or town council, as the case may be, may from time to time fix a reasonable sum in name of salary, or a reasonable rate of remuneration by fees for prosecutions, and all other business under this Act, to be paid annually to such procurator-fiscal or other party appointed to prosecute as aforesaid; and which salary, or the amount of the account of such fees, as the same shall be taxed on behalf of the county council or town council, as the case may be, together with all necessary and proper outlays attending such prosecutions and such business, shall form a proper charge against, and shall be paid annually out of, the fund of the county out of which the expenses of criminal prosecutions are in use to be paid, and in royal or parliamentary burghs having a separate licensing court out of the police funds, or, where there are no police funds, out of the corporation funds of the burgh, as the case may be; and all penalties and expenses of prosecutions and convictions incurred under and imposed by this Act shall, when recovered, if adjudged by any sheriff, or justice or justices of the peace, or magistrate of any burgh (other than a royal or parliamentary burgh having a separate licensing court), be wholly paid into the county fund, and, if adjudged by any magistrate of any royal or parliamentary burgh having a separate licensing court, be wholly paid into the police funds, or, where there shall be no police funds, into the corporation funds of the burgh in which such penalties shall be imposed, respectively.

(2) Breaches of certificate and other offences in this section referred to may, unless

by this Act otherwise specially directed or authorised, be prosecuted and tried as police offences before and by any magistrate or magistrates of any royal, parliamentary, or police burgh officiating in any court for the trial of police offences under the provisions of any local or general Police Act, in the same way and manner in all respects as may be provided for the trial of police offences by any such local or general Police Act in force in the county, district, or burgh where the offender shall reside, or the offence shall have been committed, and such magistrate or magistrates shall have power to impose the penalties and punishments, and declare the forfeitures, provided in that behalf by this Act.

(3) Every offence committed against this Act shall, except where inconsistent with the provisions and conditions of this Act, be tried and determined under the provisions of the Summary Jurisdiction Acts, and in the event of an offender being convicted, and failing to make payment of the penalty which may have been imposed, immediately or within a specified period, he shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction Acts, and it shall be lawful for the sheriff, justice or justices, magistrate or magistrates, before whom any prosecution is brought, to proceed in absence of the accused, upon proof by the oath of an officer or constable that the accused has been duly summoned: Provided that, in any complaint brought under this Act, the description of any offence against this Act in the words of the Act, or of any certificate granted thereunder, shall be sufficient in law.

92.—Citation and Procedure on Complaint for Breach of Certificate.—A person complained of for committing any breach of certificate shall be cited to appear before the court having jurisdiction at least six free days before the diet of appearance: Provided that, if such person cannot on search be found personally, he may be cited either at his place of abode or at his licensed premises. Any person so complained of may be legally convicted either on his own confession or by the testimony on oath of one or more credible witness or witnesses, or upon other legal evidence.

93.—Warrant to Apprehend on Complaint for Trafficking.—In the case of any person complained of for trafficking in exciseable liquors in any place or premises without having obtained a certificate in that behalf, it shall be lawful for any sheriff, or any one justice or magistrate if he shall see fit, instead of granting warrant to summon such offender, to grant warrant to apprehend such offender to answer to the complaint and to be further dealt with as is provided by this Act.

94.—Police to Report all Offences.—A chief officer of police shall, without undue delay, report to the procurator-fiscal or other party by this Act directed to prosecute offenders all offences committed against this Act coming to his knowledge, and shall at all times use the means within his control for the detection and, when necessary, the apprehension of all offenders.

95.—Power to Police to Enter Eating-Houses, Hotels, etc.—It shall be lawful for any chief constable, superintendent, lieutenant, or inspector of police at any time to enter and inspect any eating-house, temperance hotel, shop, or other place, or any boat or vessel, where food or drink of any kind is sold to be consumed on the premises, or in which he shall have reason to believe that exciseable liquors of any kind are being unlawfully trafficked in; and it shall also be lawful for any constable having an authority in writing from any justice of the peace or magistrate, or from any chief constable, superintendent, lieutenant, or inspector of police, in any county, district, or burgh, and which they are severally hereby authorised to grant, to enter and inspect any such eating-houses, temperance hotels, shops, or places, or any such boats or vessels, within such county, district, or burgh respectively, at any time or times within eight days from the date of such writing, as may be specially mentioned in such writing; and any person who shall refuse to admit or shall not admit such officer of police or constable into any such eating-house, temperance hotel, shop or other place, boat or vessel, or shall offer obstruction to his admission thereto, shall thereby be guilty of an offence, and may be apprehended on a warrant to that effect granted by the sheriff or by any one justice of the peace or magistrate, and on being convicted thereof shall forfeit and pay a penalty not exceeding ten pounds: And it shall be lawful for any officer of police or constable of any county, district, or burgh, without any written authority, at any time to enter and inspect any licensed inn and hotel or public-house therein situated, and also, where he shall have reason to believe that a

breach of certificate is being committed, at any time without written authority to enter and inspect the premises of any grocer or provision dealer trading in exciseable liquors; and any person who shall refuse to admit or shall not admit such officer of police or constable into such licensed inn and hotel, public-house, or premises, or shall offer obstruction to his admission thereto, shall thereby be guilty of an offence, and on being convicted thereof shall forfeit and pay a penalty not exceeding ten pounds.

96.—Warrant to Seize Exciseable Liquors Found in Unlicensed Premises, and Penalties.—It shall be lawful for any justice of the peace of any county or district, or magistrate of any burgh, upon being satisfied by the personal examination on oath of a credible witness that there is reasonable ground for believing that exciseable liquors are trafficked in within any house or other premises within such county or burgh, as the case may be, not licensed for the sale thereof, or by any person not having a licence to sell exciseable liquors in or at such house or premises, or that such liquors are illegally kept for sale or for the purpose of being trafficked in at such house or premises, to grant warrant under his hand authorising any chief constable, superintendent, lieutenant, inspector, or sergeant of police, with any constables to enter such house or place at all times and to search for exciseable liquors, and if the same be found in such house or place exceeding one gallon, to seize such exciseable liquors, together with the vessel or vessels in which the same are contained; and such warrant shall continue in force for one month from the date thereof, and shall be a sufficient authority to the chief constable, superintendent, lieutenant, inspector, or sergeant of police therein named, and their assistants respectively, to enter into such house or place and seize all such liquors as aforesaid and the vessels containing the same, and to carry away and retain the same until disposed of as hereinafter provided: And the person occupying or using the premises where such liquors shall be found as aforesaid shall thereby be guilty of an offence, and on being convicted thereof shall forfeit and pay for the first offence a penalty not exceeding five pounds, and for the second and every subsequent offence a penalty not exceeding ten pounds: And all such exciseable liquors and the vessels containing the same so seized as aforesaid shall be forfeited and sold, without further warrant, and the proceeds of such sale shall be paid into the funds of the county or police funds of the burgh, and where there are no police funds into the corporation funds of the burgh, as the case may be, in which the premises in which such liquors shall have been found are situate.

97.—Proof of Trafficking in Exciseable Liquor in Shebeens.—In order to warrant the conviction of any person for trafficking in any exciseable liquors in any place or premises without a certificate in that behalf, it shall be sufficient, in the absence of contrary evidence, to prove that some person other than the owner or occupant of such place or premises shall at the time charged have been found in such place or premises drunk or drinking, or having had drink supplied to him therein, and that such place or premises is or are by repute kept as a shebeen, or at the time charged contained drinking utensils and fittings usually found in houses licensed for the sale of exciseable liquors.

98.—Burden of Proof in Case of Drunkenness on Licensed Premises.—Where a licensed person is charged with permitting drunkenness on the premises, and it is proved that any person was drunk on his premises, it shall lie on the licensed person to prove that he and the persons employed by him took all reasonable steps for preventing drunkenness on the premises.

99.—Convictions to be Transmitted to Clerk to Licensing Court.—A certified extract of every conviction under this Act for a breach of the terms and conditions of any certificate granted under the authority of this Act shall, within six days after such conviction, be transmitted by the clerk of court to the clerk to the licensing court within whose jurisdiction the party convicted shall reside, under a penalty of five pounds, to be recovered before the sheriff within six months next after the time when such transmission ought to have been made; and the clerk to the licensing court shall enter such convictions in the book or register required to be kept by him in terms of this Act, and opposite to the name of the person therein entered to whom the same applies, the date of the conviction, specifying therein whether the same is the first, second, or third or subsequent conviction; and the said book or register shall be pro-

duced by the clerk to the licensing court at every general meeting of such court held in pursuance of this Act.

100.—Clerk to Licensing Court to Certify Convictions to Inland Revenue.—The clerk to the licensing court shall certify to the Commissioners of Inland Revenue, or to the collector of Inland Revenue in the particular district, the conviction of every person convicted of an offence in breach of the conditions and terms of his certificate, by which conviction such certificate has thereupon been adjudged null and void, which certificate of conviction shall be transmitted to the said Commissioners of Inland Revenue, or collector, within six days next after such conviction shall have taken place, if such clerk officiated as clerk of court at such conviction, and if such clerk did not so officiate, then within six days after such conviction shall have been transmitted to him, on pain of the said clerk to the licensing court forfeiting for every neglect so to do the sum of five pounds, to be recovered before the sheriff within six months next after the transmission by this Act ought to have been made; and such certificate of conviction shall be in the form contained in the Eleventh Schedule annexed hereto.

101.—Appeal from Justices to Quarter Sessions.—If any person shall consider himself to be aggrieved by any judgment, whether of conviction or of absolvitor, given upon any complaint presented under this Act by any two or more justices of the peace, it shall be lawful to such person to appeal therefrom to the justices assembled at the next quarter sessions held for the county in which the judgment so appealed against was given, which justices are hereby authorised and required to hear and finally adjudge such appeal: Provided always that no such appeal shall be heard unless the appellant shall, within eight days next after such judgment, lodge his appeal with the clerk of such justices of the peace, and deposit with such clerk the amount of penalty and expenses awarded against him, and shall find caution with such clerk to abide such appeal, and to pay such sums as shall be finally awarded, and shall give intimation of such appeal by serving a copy thereof upon the opposite party within the said period of eight days.

102.—Appeal to High Court of Justiciary.—It shall be competent to any person conceiving himself aggrieved by any warrant, sentence, order, decree, judgment, or decision made or given by any sheriff, justice or justices of the peace, or magistrate, in any cause, prosecution, or complaint raised under the authority of this Act, for any offence punishable by fine or by imprisonment to bring the case by appeal before the high court of justiciary in the manner, and by and under the rules, limitations, conditions, and restrictions which shall from time to time be prescribed by the said high court of justiciary: Provided always that such appeal shall be competent only when founded on the ground of corruption or malice and oppression on the part of the sheriff, justice or justices of the peace, or magistrate, as the case may be, or on such deviations in point of form from the statutory enactments as the court shall think have prevented substantial justice from having been done: Provided also that such appeals shall be heard and determined in open court, and that it shall be competent to the court to correct such deviation in point of form: Provided further, that notice in writing of such appeal shall be given to the opposite party, and to the clerk of the court pronouncing such warrant, sentence, order, decree, judgment, or decision, within eight days of the date thereof, and that no appeal shall be received or entertained unless the party appealing shall, along with his appeal, deposit with the clerk of the high court of justiciary, a certificate under the hand of the sheriff clerk, town clerk, or clerk of the peace, or clerk to the magistrates, or police court, as the case may be, that he has made consignation in the hands of such clerk of the whole sum and expenses, if any, decerned for by the warrant, sentence, order, decree, judgment, or decision appealed from, and unless he shall have found sufficient security for the whole expenses which may be incurred and found due under the appeal: Provided always that nothing herein contained shall be held to exclude or interfere with the right of appeal to quarter sessions under the immediately preceding section, or with the right of appeal under the Summary Prosecutions Appeals (Scotland) Act, 1875, or the Burgh Police (Scotland) Act, 1892.

103.—Sentences and Judgments not Otherwise Subject to Review.—No warrant, sentence, order, decree, judgment, or decision made or given by any

quarter sessions, sheriff, justice or justices of the peace, or magistrate in any cause, prosecution, or complaint, or in any other matter under the authority of this Act, shall be subject to reduction, suspension, or appeal, or any other form of review or stay of execution, on any ground or for any reason whatever, other than by this Act provided.

104.—Limitation of Actions against Sheriffs, Officials, etc.—Every action or prosecution against any sheriff, justice or justices of the peace, magistrate, or against any sheriff clerk, clerk of the peace, town clerk, clerk to a licensing court or court of appeal, or any procurator-fiscal, superintendent, or other officer of police, or constable, or other person, on account of anything done in execution of this Act, shall, save as otherwise provided, be commenced within two months after the cause of action or prosecution shall have arisen, and not afterwards.

105.—Power to Admonish.—In the trial of any offence under this Act the court may in its discretion, if such course appears to meet the justice of the case, dismiss any person found guilty with an admonition; and nothing in this Act contained shall be read as limiting any power to mitigate penalties contained in the Summary Jurisdiction Acts or any other Act, or as excluding the operation of the Fine or Imprisonment (Scotland and Ireland) Act, 1899.

106.—Disqualifications of Clerks to Courts, etc.—No solicitor or other person being a clerk to a licensing court or a court of appeal, and no procurator-fiscal or other person entrusted with the prosecution of offences against this Act, shall, by himself, his partner, or clerk as solicitor or agent for any person, conduct or act in any application for or in respect of a certificate or any other proceedings whatsoever under this Act before such licensing court or court of appeal, and if any person contravenes this provision he shall be liable on summary conviction before the sheriff to a fine not exceeding one hundred pounds.

Part VII.—Miscellaneous.

107.—Interpretation of Terms.—In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say):—

The word "certificate" shall mean any certificate for the sale of exciseable liquors granted in terms or under the provisions of this Act, provided that every certificate under the existing Acts which is in force at the commencement of this Act shall be deemed to have been so granted:

The expression "chief officer of police" shall have the same meaning as in the Police (Scotland) Act, 1890:

The word "constable" shall mean and include officers of court, chief constable, superintendent of police, and every grade of constable or police officer, or any person belonging to any constabulary force in any part of Scotland, as also any sheriff officer or justice of peace constable. The expressions "exciseable liquor" and "exciseable liquors" shall include spirits, wine, porter, ale, beer, cider, perry, mead, metheglin, and sweets:

The expression "existing Acts" shall mean the Licensing (Scotland) Acts, 1828 to 1897:

The word "hawking" shall mean and include trafficking in or about the streets, highways, or other places, or in or from any boat or other vessel upon the water:

The expression "inn and hotel" shall in towns and the suburbs thereof mean a house containing at least four apartments set apart exclusively for the sleeping accommodation of travellers; and in rural districts and populous places not exceeding one thousand inhabitants, according to the census for the time being last taken, a house containing at least two such apartments:

"Magistrate" for the purpose of trying offences means a magistrate of a royal, parliamentary, or police burgh, and includes any judge officiating in any court for the trial of police offences under the provisions of any local or general Police Act:

"New certificate" means a certificate granted to any person in respect of any premises which are not certificated at the time of the application for such grant, but shall not apply to the rebuilding of certificated premises which have been destroyed by fire, tempest, or other unforeseen and unavoidable calamity:

The expression "public-house" shall include a common inn, alehouse, victualling house, or other premises in which any exciseable liquors are sold by retail to be drunk or consumed in the premises in which the same are sold:

The word "shebeen" shall mean and include every house, shop, room, premises, or place in which exciseable liquors are traffieked in by retail without a certificate and excise licence in that behalf:

The expression "sweets" shall include sweets or made wines as defined in the Revenue Act, 1889:

The expression "trafficking" shall mean and include battering, selling, dealing in, trading in, exposing, or offering for sale by retail.

108.—Short Title and Application.—This Act may be cited as the Licensing (Scotland) Act, 1903, and shall apply to Scotland only.

109.—Commencement of Act.—Except as otherwise provided this Act shall commence on the first day of January one thousand nine hundred and four. Provided that the Secretary for Scotland may, by order or orders under his hand at any time after the passing of this Act, and before the date of the first general half-yearly meeting of a licensing court constituted by this Act, prescribe the statutory duties to be performed before such date by members of and clerks to such courts, and otherwise provide as may be necessary for bringing this Act into full operation, and, save as provided in any such order, such members and clerks shall not enter on their ordinary duties until such date, and any such order shall have effect as if enacted in this Act, and shall be laid as soon as may be before Parliament. Subject to anything contained in any such order, and notwithstanding anything in this Act, it shall be lawful for justices and magistrates and their clerks respectively until such date to exercise any powers vested in them under the existing Acts, in the same manner, and subject to the same conditions, as if this Act had not passed.

110.—Repeal.—The enactments mentioned in the Twelfth Schedule annexed hereto are hereby repealed to the extent mentioned in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE (s. 3 (3)).

Number and Constitution of Licensing Court in Counties or Districts of Counties according to the Population of each County or District.

Class I.—Population under 25,000.

Licensing Court.

County Councillors, 4; Justices, 4; Total, 8.

Class II.—From 25,000 to 50,000.

Licensing Court.

County Councillors, 6; Justices, 6; Total, 12.

Class III.—From 50,000 to 100,000.

Licensing Court.

County Councillors, 7; Justices, 7; Total, 14.

Class IV.—100,000 or over.

Licensing Court.

County Councillors, 9; Justices, 9; Total, 18.

SECOND SCHEDULE (ss. 4 (2) (*c*), 8 (6), and 10 (2)).

PART I.

CONSTITUTION OF APPEAL COURT IN EACH COUNTY FOR ALL THE BURGHS IN THE COUNTY OF OR EXCEEDING 7000 AND UNDER 20,000 POPULATION.

County.	Burgh.	Present Population of Burgh.	Court to consist of			
			Magistrates.		Justices.	Total Number of Court.
			From each Burgh.	Total of Magistrates.		
Aberdeen	Peterhead	11,794	3	6	6	12
	Fraserburgh	9,105	3			
Argyll	Campbeltown	8,286	3	6	6	12
	Dunoon	7,000	3			
Ayr	Irvine	9,618	3	6	6	12
	Saltcoats	8,120	3			
Banff	Banff and Macduff	7,161	2	4	4	8
	Buckie	7,483	2			
Bute	Rothesay	9,378	3	3	3	6
Caithness	Wick	8,199	3	3	3	6
Clackmannan	Alloa	11,421	3	3	3	6
Dumbarton	Kirkintilloch	10,502	3	6	6	12
	Helensburgh	8,554	3			
Dumfries	Dumfries	13,092	3	3	3	6
Edinburgh	Musselburgh	11,711	3	6	6	12
	Dalkeith	7,000	3			
Elgin	Elgin	8,407	3	3	3	6
Fife	Buckhaven	8,421	2			
	St Andrews	7,621	2	6	6	12
	Cowdenbeath	7,467	2			
Forfar	Montrose	12,427	2			
	Forfar	11,397	2	8	8	16
	Broughty Ferry	10,484	2			
	Brechin	8,941	2			
Lanark	Lower Ward:					
	Rutherglen	16,185	3	6	6	12
	Kinning Park	13,852	3			
Linlithgow	Bo'ness	9,306	3	6	6	12
	Bathgate	7,000	3			
Renfrew	Port Glasgow	16,857	2			
	Pollokshaws	11,183	1			
	Johnstone	10,503	1	6	6	12
	Barrhead	9,855	1			
	Renfrew	9,296	1			
Roxburgh	Hawick	17,303	3	3	3	6
Selkirk	Galashiels	13,615	3	3	3	6
Stirling	Stirling	18,403	2			
	Grangemouth	8,386	1	4	4	8
	Kilsyth	7,292	1			

PART II.

Burgh.	Population.
Clydebank	20,000
Dumbarton	20,000
Haddington	4,000
Inverurie	4,000

THIRD SCHEDULE (s. 4 (3)).

NUMBER AND CONSTITUTION OF APPEAL COURT FOR EACH COUNTY WHETHER DIVIDED INTO DISTRICTS FOR THE PURPOSES OF THIS ACT OR NOT, ACCORDING TO THE POPULATION OF THE COUNTY OR THE MOST POPULOUS DISTRICT THEREIN.

CLASS I.—Population under 25,000.

APPEAL COURT.

County Councillors, 7 ; Justices, 7 ; Total, 14.

CLASS II.—From 25,000 to 50,000.

APPEAL COURT.

County Councillors, 9 ; Justices, 9 ; Total, 18.

CLASS III.—From 50,000 to 100,000.

APPEAL COURT.

County Councillors, 10 ; Justices, 10 ; Total, 20.

CLASS IV.—100,000 or over.

APPEAL COURT.

County Councillors, 12 ; Justices, 12 ; Total, 24.

FOURTH SCHEDULE (s. 14).

No. 1.

Unto the honourable the licensing court for .

The application of [*state full name, designation, and present place of abode of applicant*]

Humbly showeth,

That the applicant is desirous to obtain a certificate for licence for [an inn and hotel, *or* public-house, *or* a dealer in groceries and provisions, *as the case may be*] at [*place or street, and number*] in the parish [*or* burgh] of , and county of , for the ensuing year [*or* half year, *as the case may be*], in terms of this Act, and refers to the answers which are truly made to the subjoined queries :

State whether it is a renewal of a certificate at present in applicant's name, or in that of another party, or renewal of a transferred certificate, or a certificate for a new house, that applicant desires	
Whether applicant has attained twenty-one years of age	
Whether bred to the trade ; or if not, to what other trade or business	
Whether applicant carries on or intends to carry on or follow any other trade or occupation .	
Whether applicant holds a licence at present ; and if so, state where the premises are situated, and how long he has held the same . .	
Whether applicant has any interest in any other business in premises at present licensed, or for which a certificate is sought ; and if so, where those premises are severally situated . .	
State the actual rent of premises and the proprietor's or factor's name and designation .	

Signature of applicant

Date

No. 2.

REPORT BY MEMBER OF LICENSING COURT.

I, , a member of the licensing court for , hereby report that I personally examined the premises described in the foregoing application, and that the same are of suitable construction and accommodation for the purpose applied for, reserving to the licensing court to determine whether it be meet and convenient to grant the certificate applied for.

(*Signature of Member.*)

CERTIFICATE OF CHARACTER AND QUALIFICATION.

I, , a member of the licensing court for , certify, after careful inquiry, that designed in the foregoing application, is [*here state result of inquiry touching applicant's character and qualification*].

(*Signature of Member.*)

FIFTH SCHEDULE (ss. 16, 17, AND 30).

FORM OF REGISTER OF APPLICATIONS.

Nos.	Names and Designations of Applicants.	I. For Inns and Hotels, and where situated.	II. For Public-houses, and where situated.	III. For Dealers in Spirits, Groceries, and Provisions.	Persons recommending Applicants.	How disposed of.	Convictions, and Dates thereof.
1.							
2.							

DELIVERANCE.

(At the end of each day's register)

At May

Numbers 2, 3, 6 (*as the case may be*) granted.
Numbers 1, 4, 5 refused.
Numbers 7, 8 continued (*or otherwise* disposed of).

LIST of APPLICANTS for CERTIFICATES for the Sale of Exciseable Liquors for the County [*or* of the County] of *or* Burgh of , for new Certificates, by new Tenants or Occupants, and for Renewal of transferred Certificates.

Name, Designation, and Residence of Applicant.	Number of Street of Burgh (or Place and Parish of County) of Premises.	Class of Certificate applied for.	Name and Address of Landlord or Factor of Premises.
		For new Certificate.	
		By new Tenants or Occupants.	
		For Renewal of transferred Certificate.	

SIXTH SCHEDULE (ss. 16, 34, 35, 37, 44, AND 45).

No. 1.

FORM OF CERTIFICATE FOR INNS AND HOTELS.

At a general meeting for granting and renewing certificates for the sale of exciseable liquors held by the licensing court for the county [*or* district *or* burgh, *as the case may be*], of , holden at , on the day of , in the year one thousand nine hundred and , the licensing court acting for said county [*or* district *or* burgh] assembled at the said meeting, did authorise and empower *A. L.*, now dwelling at , to keep an inn and hotel at , in the parish of and county aforesaid [*or* district *or* burgh aforesaid], for the sale in the said house, but not elsewhere, of victuals, and of spirits, wine, porter, ale, beer, cyder, perry, or other exciseable liquors [*or* of victuals, and of porter, ale, beer, cyder, or perry], [*or* of victuals and of wine, porter, ale, beer, cyder, or perry]: Provided the said *A. L.* shall be licensed and empowered to sell such liquors under the authority and permission of any excise licence to him or her in that behalf granted, on the terms and conditions following (that is to say): that the said *A. L.* do not fraudulently adulterate the bread or other victuals or liquor sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not sell any groceries or other uncooked provisions in the said house or premises, to be consumed elsewhere; and do not knowingly permit any breach of the peace, drunkenness, or riotous or disorderly conduct within the said house or premises, and do not himself be in a state of intoxication on the premises; and do not knowingly permit or suffer men or women of notoriously bad fame, or girls or boys, to assemble and meet therein; and do not supply exciseable liquors to girls or boys apparently under fourteen years of age, or to persons who are in a state of intoxication; and do not permit or suffer any unlawful games therein; and do not keep open house, or permit or suffer any drinking on any part of the premises belonging thereto, or sell or give out therefrom any liquors before eight of the clock in the morning of any day or after such hour at night of any day not earlier then ten and not later than eleven as the licensing court may direct, with the exception of refreshment to travellers or to persons requiring to lodge in the said house or premises; and do not open his house for the sale of any exciseable liquors, or permit or suffer any drinking therein or on the premises belonging thereto, or sell or give out the same, on Sunday, except for the accommodation of lodgers and travellers; and do maintain good order and rule within his house and premises; and lastly, do not transgress or commit any breach of the conditions of any permission to sell on a public or special occasion within his own house or elsewhere. This certificate to continue in force, upon the terms and conditions aforesaid, from the day of one thousand nine hundred and , and until the twenty-eighth day of May one thousand nine hundred and , and no longer.

The above certificate is made out according to the deliverance in the book or register appointed to be kept in terms of the Act of Parliament.

C. D., Clerk.

No. 2.

FORM OF CERTIFICATE FOR PUBLIC-HOUSES.

At a general meeting for granting and renewing certificates for the sale of exciseable liquors held by the licensing court for the county [*or* district *or* burgh, *as the case may be*] of , holden at , on the day of , in the year one thousand nine hundred and the licensing court for the said county [*or* district *or* burgh] assembled at the said meeting, did authorise and empower [*A. L.*], now dwelling at , to keep a public-house at in the parish of and county [*or* district *or* burgh] aforesaid, for the sale in the said house, but not elsewhere, of victuals, and of spirits, wine, porter, ale, beer, cyder, perry, and other exciseable liquors [*or* of victuals, and of porter, ale, beer, cyder, or perry], [*or* of victuals, and of wine, porter, ale, beer, cyder, or perry]: Provided that the said *A. L.* shall be licensed and empowered to sell such liquors under the authority and permission of any excise licence to him in that behalf granted, on the terms and conditions following (that is to say): that the said *A. L.* do not fraudulently adulterate the bread or other victuals or liquors sold by him, or sell the same, knowing them to have been fraudulently adulterated; and do not sell any groceries or other uncooked provisions in the said house or premises, to be consumed elsewhere; and do not knowingly permit any breach of the peace, drunkenness, or riotous or disorderly conduct within the said house or premises, and do not himself be in a state of intoxication on the premises; and do not permit or suffer men or women of notoriously bad fame, or girls or boys, to assemble and meet therein; and do not sell or supply exciseable liquor to girls or boys apparently under fourteen years of age, or to persons who are in a state of intoxication, and do not receive or take in, as the price or for the supply of exciseable liquors, any wearing apparel, goods or chattels; and do not permit or suffer any unlawful games therein; and do not keep

open house, or permit or suffer any drinking in any part of the premises belonging thereto, or sell or give out therefrom any liquors, before eight of the clock in the morning of any day, or after such hour at night of any day not earlier than ten and not later than eleven as the licensing court may direct; and do not open his house for the sale of any liquors, or permit or suffer any drinking therein, or on the premises thereto belonging, or sell or give out the same, or any other goods or commodities, on Sunday; and, lastly, do not transgress or commit any breach of the conditions of any permission to sell on a public or special occasion within his own house or elsewhere; and do maintain good order and rule within his house and premises. This certificate to continue in force, upon the terms and conditions aforesaid, from the day of , one thousand nine hundred and , and until the twenty-eighth day of May one thousand nine hundred and , and no longer.

The above certificate is made out according to the deliverance in the book or register appointed to be kept in terms of the Act of Parliament.

C. D., Clerk.

No. 3.

FORM OF CERTIFICATE FOR DEALERS IN EXCISEABLE LIQUORS, AND GROCERS AND PROVISION DEALERS TRADING IN EXCISEABLE LIQUORS.

At a general meeting for granting or renewing certificates for the sale of exciseable liquors held by the licensing court acting for the county [*or* district *or* burgh, *as the case may be*], of holden at on the day of , in the year one thousand nine hundred and , the licensing court acting for the said county [*or* district *or* burgh] assembled at the said meeting did authorise and empower *A. L.*, now dwelling at , to keep premises at , in the parish and county aforesaid [*or* district *or* burgh aforesaid]. for the sale therein, but not elsewhere, of spirits, wine, porter, ale, beer, cyder, perry, or other exciseable liquors [*or* of porter, ale, beer, cyder, or perry], [*or* of wine, porter, ale, beer, cyder, or perry]: Provided the said *A. L.* shall be licensed and empowered to sell such liquors under the authority and permission of any excise licence to him in that behalf granted, on the terms and conditions following (that is to say): that the said *A. L.* do not fraudulently adulterate the liquors sold by him, or sell the same, knowing them to have been fraudulently adulterated; and do not knowingly permit any breach of the peace, drunkenness, or riotous or disorderly conduct within the said premises, and do not himself be in a state of intoxication on the premises; and do not sell or supply exciseable liquors to persons who are in a state of intoxication, or to girls or boys apparently under fourteen years of age, and do not traffic in or give any spirits, wine, or other exciseable liquors [*or* wine, porter, ale, beer, cyder, and perry], [*or* porter, ale, beer, cyder, and perry], to be drunk or consumed on the said premises, and do not receive or take in as the price or for the supply of exciseable liquors, any wearing apparel, goods, or chattels; and do not traffic in or give out therefrom any liquors before eight of the clock in the morning of any day, or after such hour at night of any day, not earlier than ten and not later than eleven, as the licensing court may direct; and do not open his premises for business, or for the sale of any liquors, or any goods or commodities whatsoever, or sell or give out the same, on Sunday; and, lastly, do maintain good order and rule within his premises. This certificate to continue in force, upon the terms and conditions aforesaid, from the day of , one thousand nine hundred and , and until the twenty-eighth day of May one thousand nine hundred and , and no longer.

The above certificate is made out according to the deliverance in the book or register appointed to be kept in terms of the Act of Parliament.

C. D., Clerk.

SEVENTH SCHEDULE (s. 27).

THE following FEES to be payable to CLERKS OF THE PEACE, SHERIFF CLERKS, and TOWN CLERKS, acting under this Act:—

	£	*s.*	*d.*
Each printed copy of form of application for certificate	0	0	6
Lodging application	0	2	6
Lodging objection	0	2	6
Inspection of register, or applications, for each hour or part of an hour	0	1	0
Warrant on complaint	0	2	0
Each witness examined in trials	0	1	0
Conviction	0	2	6
Deciding objections	0	1	0
Lodging appeal and finding caution	0	3	0
Deciding appeal	0	2	6
Extracts or certified copies of any proceedings, warrants, or conviction, per sheet, written or printed, of 150 words	0	1	0

EIGHTH SCHEDULE (s. 28).

No. 1.

APPLICATION FOR CONFIRMATION OF NEW CERTIFICATE.

To the court of appeal from the licensing court for .

I, *A. B.*, hereby apply for confirmation of the grant made to me of the certificate herewith produced by the licensing court for [*give date*].

(Signed) [*A. B.*]
or
[*C. D., law agent of A. B.*]

No. 2.

CONFIRMATION OF NEW CERTIFICATE.

This certificate was confirmed by the court of appeal from the licensing court for , at a meeting holden on the day of in the year .

The above confirmation is made out according to the deliverance in the book or register appointed to be kept in terms of the Act of Parliament. *G. H.*, clerk.

NINTH SCHEDULE (s. 32).

TRANSFER OF CERTIFICATE.

[*Place and date.*] Whereas *A. L.*, designed in the within certificate for keeping a , at , for the retail of exciseable liquors under excise licences, has : And whereas *M. N.* [*here state the qualification for grant of a transfer, as the case may be*] is desirous to have the said certificate transferred to him, in order that he may carry on the said business there: And whereas it is considered by the licensing court [or (*as the case may be*) by us, two of the members of the licensing court] for that he is a person fit to be intrusted to carry on the said business there, we hereby transfer the said certificate to him accordingly, subject to all the conditions therein specified, in the same manner as if he were the person to whom it was originally granted; this certificate to be of force only until and to be duly presented for entry at the Office of Inland Revenue, within days from this date, otherwise the same to be null and void to all intents and purposes.

[*Signatures of clerk to the licensing court, or of two members of the licensing court, as the case may be.*]

TENTH SCHEDULE (s. 78 (1)).

FORM OF CERTIFICATE TO ACCOMPANY APPLICATION BY CLUB FOR REGISTRATION OR RENEWAL.

We, justices of the peace for the county of [or *magistrates of the burgh of*] and I, owner of the premises occupied [or *to be occupied*] by the club hereinafter mentioned, hereby certify that to the best of our knowledge and belief the club designated in the accompanying application is to be [or, in the case of an application by an existing club *has been and is to be*] conducted as a *bonâ fide* club, and not mainly for the supply of exciseable liquor.

[Signature, date, and address of each person certified to be here inserted.]

FORM OF CERTIFICATE OF REGISTRATION OF CLUBS TO BE GRANTED UNDER THIS ACT.

Certificate of Registration.

I, , Sheriff Clerk of , Registrar of Clubs, hereby certify that the club of * is registered under the Licensing (Scotland) Act, 1903. This certificate remains in force till the day of , 19 ; application for its renewal must be made not later than the day of , 19 .

Given under my hand this day of , 19 .

Registrar of Clubs.

* Fill in registered postal address of all premises used by the club.

ELEVENTH SCHEDULE (s. 100).

NOTICE OF CONVICTION FOR BREACH OF CERTIFICATE, FOR WHICH THE CERTIFICATE HAS BEEN FORFEITED.

Unto the Honourable the Commissioners of His Majesty's Inland Revenue, or to the collector of Inland Revenue of district in Scotland.

This is to certify, that *C. D.* of in the County [*or* Burgh] of , was, on the day of , in the year one thousand nine hundred and at convicted before *G. H.* Esquire and *J. K.* Esquire, two of His Majesty's justices of the peace for [*or, as the case may be*], for a breach of the conditions and terms of the certificate to him or her in that behalf granted; and the certificate of the said *C. D.* to keep an inn and hotel [*or, as the case may be*] has by the aforesaid justices been adjudged null and void. Given under my hand, this day of in the year one thousand nine hundred and .

S. K., Clerk to the Licensing Court for .

TWELFTH SCHEDULE (ss. 70 (4), 110).

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Geo. 4. c. 58.	The Licensing (Scotland) Act, 1828.	Whole Act.
16 & 17 Vict. c. 67.	The Licensing (Scotland) Act, 1853.	Whole Act.
25 & 26 Vict. c. 35.	The Public-Houses Acts Amendment (Scotland) Act, 1862.	Whole Act.
39 & 40 Vict. c. 26.	The Publicans' Certificates (Scotland) Act, 1876.	Whole Act.
40 & 41 Vict. c. 3.	The Publicans' Certificates (Scotland) Act (1876) Amendment Act, 1877.	Whole Act.
43 & 44 Vict. c. 20.	Inland Revenue Act, 1880.	Section forty-four, so far as applicable to Scotland.
44 & 45 Vict. c. 58.	The Army Act.	Section one hundred and seventy-four, so far as applicable to Scotland.
50 & 51 Vict. c. 38.	The Public-Houses Hours of Closing (Scotland) Act, 1887.	Whole Act.
55 & 56 Vict. c. 55.	Burgh Police (Scotland) Act, 1892.	Section five hundred and fifteen.
60 & 61 Vict. c. 50.	Licensing Amendment (Scotland) Act 1897.	Whole Act.
63 & 64 Vict. c. 28.	The Inebriates Amendment (Scotland) Act, 1900.	Section two.
1 Edw. 7. c. 27.	The Intoxicating Liquors (Sale to Children) Act, 1901.	Whole Act, so far as applicable to Scotland.

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. cclxxiii.	Glasgow Police Act, 1866.	Sub-section thirty-one of section one hundred and forty-nine. Section two hundred and thirty-seven, the words "be intoxicated while on duty, or if," and the word "he," where first occurring.
25 & 26 Vict. c. cciii.	Aberdeen Police and Waterworks Act, 1862.	Section one hundred and forty-six, the words "every person who is drunk in any street or public place, and is guilty of any riotous or indecent behaviour therein, and."
40 & 41 Vict. c. cxciii.	Greenock Police Act, 1877.	Section four hundred and sixteen, the word "drunk."
42 & 43 Vict. c. cxxxii.	Edinburgh Municipal and Police Act, 1879.	Sub-section six of section two hundred and forty-seven as amended. Sub-section four of section two hundred and forty-eight.
55 & 56 Vict. c. ccxxxv.	Dundee Extension and Improvement Act, 1892.	Section eighty-five.
55 & 56 Vict. c. 55.	Burgh Police (Scotland) Act, 1892.	Sub-section eleven of section three hundred and eighty. Sub-section twenty-four of section three hundred and eighty-one.

CHAPTER XXVI.

An Act to render valid Marriages heretofore solemnised at the Ellerker Chapel-of-Ease, Brantingham, and at the Churches of Saint Mark, Marske-in-Cleveland, All Saints, Brightwaltham (otherwise Brightwalton), and Saint Mary, Great Ilford, and at the Old Baptist Union Chapel, Grays Thurrock, and Marriages solemnised after banns published at the Mission Room in the parish of Marrick.

[14*th August* 1903.]

CHAPTER XXVII.

SOUTH AFRICAN LOAN AND WAR CONTRIBUTION ACT, 1903 (s. 3).

An Act to authorise the Treasury to guarantee the payment of a Loan to be raised by the Transvaal, and to provide for the application of any sums paid by that Colony or the Orange River Colony towards the expenses incurred by His Majesty's Government in or incidental to the prosecution of the late war in South Africa.

[14*th August* 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—POWER TO TREASURY TO GUARANTEE LOANS.—(1) The Treasury may, subject to the provisions of this Act, guarantee in such manner as they think fit the payment of the interest at a rate not exceeding three per cent. per annum on any loan raised by the Transvaal for the purposes set out in the Schedule to this Act, not exceeding in the aggregate an amount sufficient to raise thirty-five million pounds, and also the sinking fund payments for the repayment of the principal of the loan as fixed in accordance with this Act.

(2) A guarantee shall not be given in pursuance of this Act until the Government of the Transvaal have provided to the satisfaction of the Treasury and the Secretary of State—

(*a*) for raising, appropriating, and duly applying the loan for the purposes and in the manner set out in the Schedule to this Act, subject to any arrangements which may be made for the application of savings on one head of expenditure to another head of expenditure :

(*b*) for the establishment and regulation of a sinking fund for the purpose of the repayment within a period not exceeding fifty years from the first day of April nineteen hundred and four of the principal of the loan :

(*c*) for charging on the general revenues and assets of the colony, or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act, the principal and interest of the loan and any sinking fund payments for the repayment of the principal of the loan :

(*d*) for charging on the general revenues and assets of the colony immediately after the last mentioned charge the repayment to the Treasury of any sum issued out of the Consolidated Fund under this Act on account of the guarantee of the loan, with interest thereon at the rate of four per cent. per annum :

(*e*) for raising or securing the raising of sufficient money to meet the above charges.

(3) If any loan guaranteed under this Act is raised by stock, to which the Colonial Stock Act, 1877, applies, section nineteen of that Act shall not apply.

(4) Every Act or ordinance of the Legislature of the Transvaal which in any way impairs the validity or priority of any such charge shall, so far as it impairs the same, be void unless the consent of the Treasury and the Secretary of State has been previously obtained.

(5) Any sums required by the Treasury for fulfilling their guarantee given under this Act shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and any sums paid on account of the repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(6) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act, and an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee as soon as may be after any guarantee is so given or any sum is so issued.

2.—Application of Contribution towards War Expenses.—(1) Any sums repaid to His Majesty's Government by the Transvaal out of the loan guaranteed under this Act on account of temporary advances made on behalf of that colony or the Orange River Colony during the late war shall, up to an amount of three million pounds, be paid into the Exchequer, and as to the balance be paid to the National Debt Commissioners and applied by them towards the discharge of any Exchequer bonds or Treasury bills falling due during the financial year ending the thirty-first of March nineteen hundred and four.

(2) Any sums paid by the Transvaal as a contribution in respect of the expenses incurred by His Majesty's Government in or incidental to the prosecution of the South African war, and any sums paid for a similar purpose by the Orange River Colony, shall be paid to the National Debt Commissioners and applied by them in paying off, as occasion requires, any securities issued under the War Loan Act, 1900, or the Supplemental War Loan Act, 1900, or the Supplemental War Loan (No. 2) Act, 1900, or otherwise in reduction of debt.

(3) The National Debt Commissioners may invest temporarily any sums paid to them under this section which are not immediately required for the purpose for which they are to be applied.

3.—Short Title.—This Act may be cited as the South African Loan and War Contribution Act, 1903.

SCHEDULE.

	£	£
I. Existing Liabilities:		
A. Deficit of the Transvaal of 1901–2	1,500,000	
B. Former debt of the South African Republic	2,500,000	
C. Compensation by the Transvaal and Orange River Colony to Loyalists in Cape Colony and Natal	2,000,000	
		6,000,000
II. Acquisition of Existing Railways in the Transvaal and Orange River Colony		14,000,000
III. Repatriation and Compensation in the Transvaal and Orange River Colony:		
A. Advances by way of Loan	3,000,000	
B. Other charges	2,000,000	
		5,000,000
IV. New development in the Transvaal and Orange River Colony:		
A. New Railways	5,000,000	
B. Land Settlement	3,000,000	
C. Other Public Works	2,000,000	
		10,000,000
Total		£35,000,000

CHAPTER XXVIII.

PUBLIC WORKS LOANS ACT, 1903 (s. 4).

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [14*th August* 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—GRANTS FOR PUBLIC WORKS.—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely:—

(*a*) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of seven million pounds;

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of nine hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

2.—CERTAIN DEBTS NOT TO BE RECKONED AS ASSETS OF LOCAL LOANS FUND.—Whereas it is expedient that the principal of the several local loans specified in the Schedule to this Act should, to the extent specified in the last column of that Schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

3.—REMISSION OF CERTAIN CLAIMS AGAINST PORT SETON HARBOUR COMMISSIONERS.—Whereas the Public Works Loan Commissioners in the year eighteen hundred and eighty-two advanced to the Port Seton Harbour Commissioners, on the security of the harbour revenues, undertaking, and property, sums amounting to seven thousand pounds towards defraying the cost of works authorised by the Port Seton Harbour Order, 1878, the said loan being repayable with interest at four pounds five shillings per cent. per annum in a period expiring on the eleventh day of November nineteen hundred and thirty-one:

And whereas the interest and instalments of principal due in respect of the loan were duly paid until the eleventh of November eighteen hundred and ninety-three, since which date the income of the harbour has proved insufficient to meet the pay-

ments, and there are now due to the Loan Commissioners arrears of interest which amounted on the thirty-first day of March last to one thousand seven hundred and eleven pounds, seventeen shillings, and a penny, while the principal outstanding amounts to five thousand five hundred and nine pounds, sixteen shillings, and a penny:

And whereas repairs and improvements to the harbour are needed in order to render the accommodation adequate and safe, and the Harbour Commissioners are unable to raise the money for carrying out such works as long as the said debt remains, and it is therefore expedient that such debt should be remitted:

Therefore the said principal debt of five thousand five hundred and nine pounds, sixteen shillings, and a penny, with all claims for interest thereon, shall be extinguished, and the amount thereof shall be deemed a free grant from Parliament.

4.—Short Title.—This Act may be cited as the Public Works Loans Act, 1903.

SCHEDULE.

Part I. (s. 2).

Loan by the Public Works Loan Commissioners.

Loan under the Harbours and Passing Tolls Act, 1861 (24 & 25 Vict. c. 47).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
Port Seton Harbour Commissioners	7,000 0 0	5,509 16 1

Part II.

Loans by the Commissioners of Public Works, Ireland.

(1.) Loans under the Landed Property Improvement (Ireland) Act, 1847 (10 Vict. c. 32).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
Timothy Sullivan	130 0 0	8 1 10
Sundry Items	—	33 1 1

(2.) Loans under the Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49, s. 31).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
John Houlihan	325 0 0	5 5 0

PART III.

LOANS BY THE FISHERY BOARD FOR SCOTLAND.

LOANS UNDER THE CROFTERS' HOLDINGS (SCOTLAND) ACT, 1886 (49 & 50 Vict. c. 29).

Names and Addresses of Borrowers.	Fishery District.	Amount of Loan.	Amount to be Written off.
		£	£ s. d.
George Bain and James Webster, both of Pulteneytown, Wick.	Wick . .	96	10 7 1
Angus M'Leod, Malcolm M'Leod, Norman M'Leod, Kenneth M'Leod, Kenneth M'Iver, and Angus M'Iver, all of Tolsta, Stornoway.	Stornoway .	270	22 8 3
Kenneth M'Leod, senior, James M'Kenzie, Donald Munro, Murdo Murray, and Kenneth M'Leod, junior, all of Knock, Stornoway.	Stornoway .	256	52 19 4

CHAPTER XXIX.

MILITARY WORKS ACT, 1903.

An Act to make further Provision for Defraying the Expenses of certain Military Works and other Military Services. [14*th August* 1903.]

CHAPTER XXX.

RAILWAYS (ELECTRICAL POWER) ACT, 1903 (s. 6).

An Act to facilitate the Introduction and Use of Electrical Power on Railways. [14*th August* 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—INTRODUCTION OF ELECTRICAL POWER UNDER ORDERS OF BOARD OF TRADE.—(1) With the object of facilitating the introduction and use of electrical power on railways the Board of Trade may, upon the application of a railway company, make orders for all or any of the following purposes, namely:—

(*a*) authorising a railway company to use electricity in addition to or in substitution for any other motive power, and for any other purpose;

(*b*) authorising the company to construct and maintain generating stations or other electrical works on any land belonging to the company;

(*c*) authorising agreements between the company and any body corporate or other person for the supply to the company of electrical power or the supply to or use by the company of any electrical plant or equipment;

(*d*) sanctioning any modification of any working agreement so far as the modification is agreed to between the parties thereto, and is consequential on the introduction or use of electrical power;

(*e*) authorising the company to subscribe to any electrical undertaking which will facilitate the supply of electricity to the company;

(*f*) securing the safety of the public;

(*g*) authorising the issue of new capital by the company for any of the purposes of this Act;

(*h*) any other matters, whether similar to the above or not, which may be considered ancillary to the objects of the order, or expedient for carrying those objects into effect.

(2) An order made by the Board of Trade under this Act shall, on coming into operation, have effect as if enacted by Parliament.

2.—Acquisition of Land for Electrical Works.—(1) An order under this Act may contain provisions authorising the acquisition of land by any railway company for the purpose of constructing generating stations or other electrical works, but if power is given by order to acquire the land otherwise than by agreement, the order shall not come into operation, so far as it gives that power, unless confirmed by Parliament, and the Board of Trade may bring in a Bill for confirming the order.

(2) If while a Bill confirming any such order is pending in either House of Parliament a petition is presented against the order, the Bill, so far as it relates to the order, may be referred to a Select Committee, or, if the two Houses of Parliament think fit so to order, to a Joint Committee of those Houses, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

3.—Board of Trade Inquiries.—(1) Before making an order under this Act the Board of Trade shall be satisfied that the public notice required by rules made under this Act of the application for the order has been given, and shall consider any objections made by the council of any county, any local authority, or other person to the application in accordance with those rules, and give to those by whom the objection is made an opportunity of being heard, and if after consideration the Board decide that the objection should be upheld, the Board shall not make the order or shall modify the order so as to remove the objection.

(2) The Board of Trade may, if they think fit, hold a local inquiry for the purpose of considering any application for an order under this Act, and the Board of Trade Arbitrations, etc. Act, 1874, shall apply to any inquiry so held as if—

(*a*) the inquiry was held on an application made in pursuance of the special Act; and

(*b*) the parties making the application for the order and any person objecting to any such application were parties to the application within the meaning of section three of that Act.

4.—Expenses and Fees.—(1) The Board of Trade may (with the concurrence of the Treasury as to number and remuneration) appoint or employ such persons as appear to them to be required for carrying this Act into effect, and the remuneration of such persons, and any other expenses of the Board of Trade under this Act, shall be defrayed out of moneys provided by Parliament.

(2) There shall be charged in respect of proceedings under this Act before the Board of Trade such fees as may be fixed by the Treasury on the recommendation of the Board of Trade.

5.—Power to Board of Trade to make Rules.—The Board of Trade may make such rules as they think necessary for regulating the notices and advertisements to be given of any application for an order under this Act or otherwise for the purposes of this Act, and any other matter which they think expedient to regulate by rule for the purpose of carrying this Act into effect.

6.—Interpretation, Saving, Short Title, and Commencement.—(1) In this Act the expression "railway company" includes a company or person working a railway under lease or otherwise.

(2) Nothing in this Act shall affect any powers which a railway company may have independently of this Act.

(3) This Act may be cited as the Railways (Electrical Power) Act, 1903.

(4) This Act shall come into operation on the first day of January nineteen hundred and four.

CHAPTER XXXI.

Board of Agriculture and Fisheries Act, 1903 (s. 3).

An Act to transfer to the Board of Agriculture Powers and Duties relating to the Industry of Fishing, and to amend the Board of Agriculture Act, 1889.

[14*th August* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—Superintendence of Fisheries Transferred to Board of Agriculture.—(1) The Board of Agriculture shall after the commencement of this Act be styled the Board of Agriculture and Fisheries, and references in any Act or document to the Board of Agriculture shall be construed as references to the Board of Agriculture and Fisheries.

(2) The powers and duties of the Board of Trade under the enactments specified in the Schedule to this Act, and under any certificate given or order made in pursuance of any of those enactments, and any powers and duties of the Board of Trade, or any officer of that Board, under any local and personal Act which relates solely to the industry of fishing, shall be transferred to the Board of Agriculture and Fisheries, or, in the case of the powers and duties of any officer, to such officer of the Board of Agriculture and Fisheries as the Board nominate for the purpose.

(3) Section four of the Board of Agriculture Act, 1889, shall have effect as respects the transfer of any powers and duties of a Government Department which appear to His Majesty to relate to the industry of fishing in the same manner as with respect to powers and duties which appear to His Majesty to relate to agriculture or forestry, and sections two and four of that Act shall be read as if the words "the industry of fishing" were added after the word "agriculture."

(4) Sections nine (transfer of officers) and eleven (construction of Acts and documents) of the Board of Agriculture Act, 1889, shall apply in relation to the powers and duties transferred by or in pursuance of this Act as if they were transferred by or in pursuance of that Act, and as if the date of the commencement of this Act were substituted for the date of the establishment of the Board of Agriculture.

(5) The limitation contained in section thirty-one of the Salmon Fishery Act, 1861, as to the number and term of office of the inspectors of fisheries shall cease to apply, and those inspectors may be appointed by the Board of Agriculture and Fisheries under section five of the Board of Agriculture Act, 1889.

(6) The Board of Agriculture and Fisheries shall be substituted for the Board of Trade as respects communication and returns in section six of the Sea Fisheries (Scotland) Amendment Act, 1885.

(7) Where any portion of the sea shore proposed to be comprised in an order under Part III. of the Sea Fisheries Act, 1868, is under the management of the Board of Trade, the order shall not be made without the consent of that Board, and section forty-six of that Act shall be construed accordingly.

(8) The Merchandise Marks (Prosecutions) Act, 1894 (which relates to the undertaking by the Board of Agriculture of prosecutions under the Merchandise Marks Act, 1887, in certain cases), shall apply to the produce of any fishing industry as it applies to agricultural or horticultural produce.

(9) Subsection three of section five of the Board of Agriculture Act, 1889, shall apply to expenses incurred by the Board of Agriculture and Fisheries in the execution of any powers and duties transferred by or in pursuance of this Act as it applies to expenses incurred by that Board in the execution of their duties under that Act.

2.—Amendment of 52 & 53 Vict. cap. 30.—(1) Any Order in Council made under section four of the Board of Agriculture Act, 1889, may be varied or revoked by an Order in Council made in accordance with the provisions of that section.

(2) The expression "Secretary" in the Board of Agriculture Act, 1889, shall include assistant secretary.

3.—Extent, Commencement, and Short Title.—(1) Nothing in this Act shall transfer or authorise the transfer of any powers or duties exerciseable in or in relation to Scotland or any part of the sea adjoining Scotland, except so far as is expressly provided by this Act as respects communications and returns, and except so far as respects the river Esk and its banks and tributaries referred to in section sixty-three of the Salmon Fishery Act, 1865.

(2) This Act may be cited as the Board of Agriculture and Fisheries Act, 1903, and shall come into operation on the first day of October nineteen hundred and three.

(3) The Board of Agriculture Act, 1889, and this Act may be cited together as the Board of Agriculture and Fisheries Acts, 1889 and 1903.

SCHEDULE.

ENACTMENTS RELATING TO POWERS AND DUTIES OF THE BOARD OF TRADE TRANSFERRED TO THE BOARD OF AGRICULTURE.

1. SALMON AND FRESHWATER FISHERIES ACTS.

24 & 25 Vict. c. 109	The Salmon Fishery Act, 1861.
26 & 27 Vict. c. 10	The Salmon Acts Amendment Act, 1863.
28 & 29 Vict. c. 121	The Salmon Fishery Act, 1865.
33 & 34 Vict. c. 33	The Salmon Acts Amendment Act, 1870.
36 & 37 Vict. c. 71	The Salmon Fishery Act, 1873.
39 & 40 Vict. c. 19	The Salmon Fishery Act, 1876.
39 & 40 Vict. c. 34	The Elver Fishing Act, 1876.
40 & 41 Vict. c. 65	The Fisheries (Dynamite) Act, 1877.
41 & 42 Vict. c. 39	The Freshwater Fisheries Act, 1878.
42 & 43 Vict. c. 26	The Salmon Fishery Law Amendment Act, 1879.
47 & 48 Vict. c. 11	The Freshwater Fisheries Act, 1884.
49 & 50 Vict. c. 2	The Freshwater Fisheries Act, 1886.
49 & 50 Vict. c. 39	The Salmon and Freshwater Fisheries Act, 1886.
54 & 55 Vict. c. 37	The Fisheries Act, 1891, Parts III. and IV.
55 & 56 Vict. c. 50	The Salmon and Freshwater Fisheries Act, 1892.

2. NORFOLK AND SUFFOLK FISHERIES.

40 & 41 Vict. c. xcviii	The Norfolk and Suffolk Fisheries Act, 1877.
59 & 60 Vict. c. 18	The Fisheries (Norfolk and Suffolk) Act, 1896.

3. SEA FISHERIES REGULATION ACTS.

51 & 52 Vict. c. 54	The Sea Fisheries Regulation Act, 1888.
54 & 55 Vict. c. 37	The Fisheries Act, 1891, Part II.
57 & 58 Vict. c. 26	The Sea Fisheries (Shell Fish) Regulation Act, 1894.

4. OYSTERS, ETC.

29 & 30 Vict. c. cxlv	The Roach River Oyster Fishery Act, 1866.
31 & 32 Vict. c. 45	The Sea Fisheries Act, 1868, Part III.
32 & 33 Vict. c. 31	The Oyster and Mussel Fisheries Orders Confirmation Act, 1869 (No. 2).
38 & 39 Vict. c. 15	The Sea Fisheries Act, 1875.
40 & 41 Vict. c. 42	The Fisheries (Oyster, Crab, and Lobster) Act, 1877.
47 & 48 Vict. c. 27	The Sea Fisheries Act, 1884.

5. MISCELLANEOUS.

59 & 60 Vict. c. 48	Subsection one of section five of the Light Railways Act, 1896, so far as it relates to the industry of fishing.

CHAPTER XXXII.

APPROPRIATION ACT, 1903.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and two, and one thousand nine hundred and four, and to appropriate the Supplies granted in this Session of Parliament. [14*th August* 1903.]

BURGH POLICE (SCOTLAND) ACT, 1903 (s. 1).

[3 EDW. 7. CH. 33.]

ARRANGEMENT OF SECTIONS.

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Section.
1. Short title.
2. Application.
3. Construction.
4. Division into Parts.

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Section.
5. Register and plan of streets.
6. Notice of completion of register and plan.
7. Appeal against entries in register and plan.
8. Register and plan to be conclusive evidence.
9. Alterations on register and plan.
10. Mistakes not to affect validity.

OTHER PROVISIONS AS TO STREETS.

11. Petition for warrant to form new street.
12. Council may make certain conditions.
13. Powers as to streets may be transferred to dean of guild court.
14. Shrubbery in centre of street.
15. Owners to fence.
16. Footways of private streets.
17. Footways.
18. Owners to maintain vaults and footway.
19. Operations on streets to be recorded in register.
20. Notice of operations on private streets.
21. Private courts to be paved.
22. Payment of expenses in connection with streets.

BUILDINGS, SEWERS, ETC.

23. Receptacles for rubbish.
24. Penalties for failure to provide water-closets.
25. Connections with substituted sewer.
26. Buildings for noxious trades.
27. Temporary occupation of street by builders.
28. Barricades on streets.
29. Penalty on unauthorised occupation of street.
30. Advertisements on hoardings.
31. Safety of roofs and platforms.
32. Scaffoldings.
33. Burgh surveyor may inspect buildings.
34. Testing strengths.
35. Burgh surveyor may stop infringements.

DEAN OF GUILD COURT.

36. Town council may appear before court.
37. Form of proceedings.
38. Town council may prescribe rules for court.
39. Power to relax certain statutory rules.
40. Burgh surveyor may give warrant for minor alterations.
41. Penalties for laying out streets or erecting buildings without warrant.
42. Town council in certain burghs to have powers of dean of guild court.
43. Enforcement of penalties for dean of guild court offences.

PUBLIC PARKS.

44. Power to erect buildings in public parks.

RATING AND BORROWING POWERS.

45. Fractions of a pound not to be reckoned in assessing.
46. Extension of certain sections of Burgh Police Act.
47. Extension of preliminary requirements to all borrowing.
48. Sinking funds.
49. Power to borrow temporarily.

OFFENCES AND PENALTIES.

50. All vehicles to carry lights.
51. Prohibition of betting in streets.
52. Penalty on allowing loose paper to lie on streets.
53. Prevention of unnecessary noises during illness.
54. Manufacture and sale of ice-cream.

MISCELLANEOUS.

Section.
55. Power to oppose Bills and Provisional Orders.
56. Power to appoint depute officers.
57. Compensation for land to be settled by single arbiter.
58. Limitation of obligations of factors.
59. Byelaws for commons, etc. beyond burgh boundaries.

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60. Supplementary valuation roll.

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61. Width of streets and height of buildings.
62. Corners of streets.
63. Area to be attached to dwelling-houses.
64. Space in front of sleeping apartments.
65. Bed-recesses.
66. Cubic space in dwellings.
67. Ticketing of cubic space.
68. Penalty on overcrowding.

HOLLOW SQUARES.

69. Provisions for openings in hollow squares.
70. Compensation for ground taken.
71. Compensation to form a charge on property.
72. Buildings in hollow squares.
73. Openings through existing buildings.
74. Formation by town council of openings.
75. Erection of buildings by town council.

SKY-SIGNS.

76. Sky-signs.

ADVERTISING SITES.

77. Licences for advertising sites.
78. Hoardings, etc. for advertising sites to be sanctioned by dean of guild court.

SEASHORE ADJOINING BURGH.

79. Further powers relating to the foreshore of burgh.

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80. Byelaws for theatres and other places of amusement.
81. Billiard rooms, etc. to be licensed.
82. Ice-cream shops, etc. to be registered.

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83. Interpretation of terms.
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85. Power to take samples of milk.
86. Power to inspect cows and procedure where tuberculosis due to milk within the burgh.
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SCHEDULE.

CHAPTER XXXIII.

An Act to amend the Law relating to the Administration of Burghs in Scotland.

[14*th August* 1903.]

Whereas it is expedient to amend the law relating to the administration of burghs in Scotland:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY.

1.—SHORT TITLE.—This Act may be cited as the Burgh Police (Scotland) Act, 1903.

2.—APPLICATION.—This Act shall apply to Scotland only.

3.—CONSTRUCTION.—This Act shall be read and construed as one Act with the Burgh Police (Scotland) Act, 1892 (hereinafter called the principal Act), so far as consistent with the tenor of this Act and the principal Act respectively, and this Act and the principal Act, the Burgh Police (Scotland) Act, 1893, and the Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, may be cited as the Burgh Police (Scotland) Acts, 1892 to 1903.

4.—DIVISION INTO PARTS.—This Act is divided into Parts as follows:—

Part I.—(General.)

Part II.—(Adoptive.)

Part III.—(Miscellaneous and Supplemental.)

PART I.—(GENERAL.)

REGISTER OF STREETS.

5.—REGISTER AND PLAN OF STREETS.—The town council of every burgh shall, on or before the first day of October in the year nineteen hundred and four, or as soon as conveniently may be thereafter, cause a register to be prepared of all the streets then in existence in the burgh, in which shall be entered the following particulars with regard to each street, namely:—

(1) The name:
(2) The situation by reference to numbers or other marks on the plan after mentioned:
(3) The point of commencement and termination:
(4) The width of the street and the position of the centre line:
(5) The character, whether an ordinary street, a highway under the Roads and Bridges (Scotland) Act, 1878, a lane, or a court, and whether public or private, or of any other character or description:
(6) Any other particulars not affecting rights of property which the town council may prescribe.

The town council shall further, on or before the date of completion of the register, cause the said streets and the centre line thereof to be marked, and the area thereof coloured, upon an Ordnance Survey plan of the largest available scale, or on a plan of any greater scale prescribed by them. In fixing the centre line regard may be had to the street as originally laid out, and apart from subsequent alterations of the building lines.

6.—Notice of Completion of Register and Plan.—The said register and plan shall on completion be placed in the office of the town clerk or other public office of the town council, where they shall remain open for inspection at all reasonable hours by all persons interested for a period of three months from the date of the first insertion of the notice hereinafter mentioned. The town council shall insert a notice, at least once a week, for three successive weeks, in one or more newspapers circulating in the burgh, intimating the completion of the register and plan, and the time and place where the same may be inspected, and further intimating that any person who may be dissatisfied with any entry or marking therein or omission therefrom, or with any alteration made therein by the town council, upon a representation in terms of the immediately succeeding section, may, within the said period of three months, appeal to the sheriff or Court of Session, and that the said register and plan shall be deemed at the expiry of such three months to fix conclusively the particulars referred to in the immediately preceding section (which section shall be recited at length in the notice) with regard to every street in the burgh, unless in so far as the same may be altered on appeal or otherwise under this Act. The town council shall further within fourteen days from the date of the first insertion of the foresaid notice, cause a copy thereof to be sent by post to every owner of lands and heritages in the burgh appearing in the valuation roll at his address as given therein.

7.—Appeal against Entries in Register and Plan.—Any person who may be aggrieved by any entry, marking, or omission in the said register or plan, or by any alteration made therein by the town council, upon a representation in terms of this section, may, within the said period of three months, appeal to the sheriff or to the Court of Session against the same, and the appeal court shall deal with such appeal in the manner provided by the three hundred and thirty-ninth section of the principal Act, and may, after such notice as the court may consider necessary, order any entry or marking in the said register or plan to be deleted or altered, or direct such other or further entry or marking to be made therein as the court shall think fit: Provided that where the appeal is taken to the sheriff, either party may, within fourteen days from the date of his decision, appeal thereagainst to the Court of Session, whose decision shall be final. Where any appeal is taken, or where within the said period of three months any representation is made to the town council with regard to any entry, marking, or omission, they may make any alteration on the said register or plan which may appear to them necessary in consequence thereof.

8.—Register and Plan to be Conclusive Evidence.—The said register and plan, with any alteration or addition that may be made on appeal or representation as aforesaid, or that may thereafter be made by virtue of this Act, shall be docqueted by the town clerk, and shall, unless in so far as altered as after mentioned, and subject to any right to compensation under the Burgh Police Acts, conclusively fix the character, area, centre line, and other particulars prescribed as aforesaid of the streets therein entered. The said register and plan shall be deposited with such official as the town council may from time to time appoint, and the same or a copy thereof, docqueted as aforesaid, shall be open for inspection by any person interested, during such hours and on payment of such fee not exceeding one shilling for each inspection as the town council may from time to time fix. A copy, certified by the custodier, of any entry in the register, or of any portion of the plan, shall be furnished to any applicant, on payment of such fee as the town council may prescribe, and shall be received as evidence in all courts.

9.—Alterations on Register and Plan.—In the event of any street being extended or wholly or partially closed up, or of its area being otherwise altered, or of its name being changed, or of any new street being authorised or laid out, or of any private street, lane, or court being taken over as public, or of the character of any street being otherwise altered, or other change of circumstances occurring, or in the

event of any error or omission being discovered, or in the event of the omission to send notice to any owner interested, the burgh surveyor shall, and any other person having interest may, make application to the dean of guild court, or, where there is no such court, to the town council, for warrant to make such alterations on or additions to the said register and plan as may be necessary in the circumstances, and the town council or dean of guild court, as the case may be, may, after such advertisement or other intimation to parties interested as they may deem proper, direct such alterations or additions to be made as they may consider just, and the same shall be made accordingly, provided that any deliverance of the town council shall be subject to appeal as before mentioned, and any deliverance of the dean of guild court shall be subject to the same appeal as is applicable to the ordinary judgments thereof. The town council may, if they see fit, by special order as defined in the principal Act, resolve that applications under this section shall be made to them and not to the dean of guild court.

10.—Mistakes not to affect Validity.—The validity of the said register and plan shall not be affected by any misnomer, mistake, or informality in the foresaid proceedings, or by the omission to send the foresaid notices to any owner.

Other Provisions as to Streets.

11.—Petition for Warrant to form New Street.—Every person who intends to form or lay out any new street, or to widen, extend, or otherwise alter any street, shall present a petition for warrant to do so to the town council, and along with the same he shall lodge a plan of the street as proposed to be laid out or altered, with longitudinal and cross sections, showing the proposed centre, building, and kerb lines, and also the inner lines of the footway where these differ from the building lines, showing also the levels and means of drainage, specifying the proposed material and mode of construction, and having marked upon it the names of all persons owning the street or any ground abutting thereon affected by the proposal and appearing in the valuation roll. A copy of said petition shall be served by the petitioner upon all such owners and also upon the burgh surveyor, and the town council shall within fourteen days from the presentation of the petition afford the petitioner and all other parties interested an opportunity of being heard, and shall dispose of the application as soon as possible thereafter. If it shall appear to the town council that the proposed street, or any portion thereof, or any of the details shown on the said plan, does not fulfil the conditions required by the Burgh Police Acts, or is otherwise contrary to law or to private rights, the town council may either refuse the said petition, or grant the same subject to such alterations and modifications on the plans, or other lawful conditions, as may be necessary in the circumstances. The dean of guild court shall not grant warrant for the erection of any buildings abutting on any new street until warrant for the formation of such street has been granted. The plans approved of by the town council shall, except in so far as they may afterwards be altered in terms of this section by the authority of the town council, be adhered to by the applicant and by every person erecting any building abutting on the street. In the event of no part of any new street for which a warrant has been obtained being formed or laid out within twelve months from the date of the warrant, the warrant shall lapse, and it shall be necessary before the street is formed or laid out to obtain a fresh warrant.

12.—Council may make Certain Conditions.—Any person presenting a petition to the town council for warrant to form or lay out any new street shall fulfil any conditions which the town council may by the warrant granting the petition impose with regard to the following matters, viz. :—

(1) The avoidance of a cul de sac :

(2) The provision of suitable and convenient accesses to the street by cross streets, continuation of streets, or otherwise :

(3) The formation of lanes (parallel to the street or otherwise) or other secondary means of access to buildings where necessary for the purpose of removing refuse :

(4) The fixing of the line, level, position, and direction of the street and footways so as to make provision for the amenity of the locality, for convenient communication with other streets, for gradients suitable for traffic, for the convenient drainage of the streets and footways, and of buildings fronting the same, and for areas for light and ventilation: and

(5) Provision for carrying off the surface water.

13.—Powers as to Streets may be Transferred to Dean of Guild Court.—In burghs where there is a dean of guild court the town council may, by a majority of not less than two-thirds of those members present at a meeting specially called for the purpose, pass a resolution that in future the powers and duties of the town council under the two immediately preceding sections shall be transferred to the dean of guild court, and, on the passing of such resolution, the said powers and duties shall be transferred accordingly; but the town council shall at all times be entitled to appear before the said court for the public interest.

14.—Shrubbery in Centre of Street.—The town council may plant or authorise the planting of trees or shrubs in any street, and, provided a sufficient free space at each side be left open and available for the carriageways and foot-pavements, may lay out or authorise the laying out of the centre portion of any street in shrubbery or pleasure ground, or may provide island platforms for pedestrians.

15.—Owners to Fence.—The owners of ground fronting or abutting upon any street shall, if called upon by the town council, cause such ground to be enclosed by a sufficient temporary fence.

16.—Footways of Private Streets.—The owner of any lands or premises fronting on any private street shall, when required by the town council, form a footway before his property of the breadth sanctioned by the dean of guild court or town council at the time when the street was sanctioned, or, if no such breadth has been specified, of such breadth as the town council shall direct, with kerbs, water channels, and drains for carrying off surface water, and shall well and sufficiently construct and (if required) pave such footway, or any footway that may already exist, and construct such kerbs, water channels, and drains, all with such material and in such manner and form as the town council may direct. The said owner shall further from time to time maintain and keep in repair the said footway, kerbs, water channels, and drains, or, if called upon, re-lay the same, all with such material and in such manner and form as the town council may direct. Provided that if the town council require the footway or any part thereof to be paved they shall relieve the owner of the future maintenance of such pavement. The town council may, instead of requiring the said footway to be at once paved, require the same, or such part thereof as they may specify, to be provided with kerbs, water channels, and drains, and laid with gravel, cinders, or other similar material, and may from time to time require such material to be renewed, and may at any time thereafter require the portions so laid to be paved or laid with any other material. The obligation hereby imposed upon the said owner shall cease upon the street ceasing to be a private street; but the town council shall, notwithstanding anything done under this section, be thereafter entitled (except in the case where and to the extent to which they have required the footway to be paved as aforesaid) to put in force the provisions of sections one hundred and forty-one and one hundred and forty-two of the principal Act, or any other powers possessed by them with reference to the footways of public streets.

17.—Footways.—(1) The town council may exercise the power conferred upon them by section one hundred and forty-two of the principal Act, either with regard to all the footways of public streets in the burgh or from time to time with regard to any portion or portions thereof. The six weeks mentioned in said section shall run from the date of the notice from the town council calling upon the owners interested to have their footways put in a proper state of repair; and where in any case in the opinion of the town council it is not expedient to have any footway put into such state of repair immediately after passing a resolution under the foresaid section applicable to it, they may defer issuing such notice until they consider it expedient to do so.

(2) In any case where the town council may be entitled to require the construction or repair by abutting owners of footways on any street, they shall be entitled to call upon such owners to lay down paved crossings with kerbstones and water channels to

the satisfaction of the town council across all entries used by carriages which cross the line of said footways, and each such crossing shall be maintained by the owner or owners to whose premises it forms an access, and that (where there are two or more owners) in such proportions as the town council may fix.

(3) In cases where it is desired to take carriages across a footway maintainable by the town council into the premises of any abutting owner, the town council may require the formation and maintenance by such owner of a crossing of the description above specified, or may require such owner to maintain the portion of the footway used by such carriages to their satisfaction.

(4) Where any footway maintainable by the town council is injured by the rolling or setting down thereon of casks, boxes, or other heavy articles or material by or with the authority of any owner or occupier of premises abutting thereon, or where damage is otherwise caused to any such footway by the use thereof by or with the authority of any such owner or occupier otherwise than for ordinary foot traffic, such owner or occupier shall be liable to the town council in the expense of repairing all damage so caused, and the same may be recovered as private improvement expenses.

(5) The town council may, instead of requiring the footway of any public street to be paved under section one hundred and forty-one of the principal Act, require the fronting or abutting owners to provide the same or such part thereof as the town council may specify, with kerbs, water channels and drains, and to lay the same or such part with gravel, cinders, or other similar material, and may from time to time require the said owners to renew such material or to relay it with any other similar material all in such manner and form as the town council may direct. The town council shall, notwithstanding anything done under this subsection, be entitled at any time thereafter to put in force with regard to such footway the provisions of sections one hundred and forty-one and one hundred and forty-two of the principal Act or any other powers possessed by them with reference to the footways of streets.

18.—Owners to Maintain Vaults and Footway.—Where any footway is taken over or is maintainable by the town council, they shall not thereby incur or be under any responsibility in connection with any vault, arch, cellar, or wall thereunder, and the town council may from time to time require the owner to execute such works as they may consider necessary to maintain or strengthen any such vault, arch, cellar, or wall.

19.—Operations on Streets to be Recorded in Register.—Where any operations have been executed on any street under the provisions of sections one hundred and thirty-three to one hundred and forty of the principal Act inclusive, the town council shall cause a record thereof to be inserted opposite the name of such street in the register of streets.

20.—Notice of Operations on Private Streets.—Before executing any operations under section one hundred and thirty-three or section one hundred and thirty-five of the principal Act, the town council shall intimate their intention to do so by posting one or more handbills in the street or part of the street to be dealt with, and by sending notices to all the owners of lands or heritages fronting or abutting thereon as appearing on the valuation roll.

21.—Private Courts to be Paved.—The town council shall be entitled to call upon the owner or owners of, or entitled to the use of, any private court or any close, passage, or area (other than a bleaching green, garden, or shrubbery) attached to and used in common by two or more occupiers of any tenement of dwelling-houses, to pave the same (so far as not already paved to the satisfaction of the council), and to maintain, renew, and extend the pavement, all to such extent, with such material, in such manner and within such time as the town council may require, and also to make and maintain such provision for the drainage of surface water as the town council may require. In the event of more than one owner being interested in the cost of such operations, the town council shall, on the application of any owner interested, fix the proportion of cost to be borne by each; and in the event of the town council in consequence of the failure of an owner or owners to obey any requisition under this section executing the work required they shall be entitled to charge or apportion the expense upon or among the said owner or owners as they may deem just.

22.—Payment of Expenses in Connection with Streets.—All expenditure

incurred by the town council, under the principal Act or this Act, for or in connection with streets and footways, other than expenditure recoverable as private improvement expenses, shall, except so far as the town council may resolve to charge the same upon the general improvement rate, be defrayed from the assessment imposed by them for the purposes of the Roads and Bridges (Scotland) Act, 1878.

Buildings, Sewers, etc.

23.—Receptacles for Rubbish.—If any house, or part of a house, occupied by a separate family, is at any time without a sufficient fixed or moveable receptacle for rubbish appropriated either solely to their use or to their use along with other occupants of the same tenement, the town council may serve a notice on the owner requiring him, within a period of not less than seven days, to be specified in said notice, to provide such receptacle, of the description, and to be placed in the position, specified in the notice.

24.—Penalties for Failure to provide Water-Closets.—If any requirement under the immediately preceding section or under section two hundred and forty-six, section two hundred and fifty-four, or section two hundred and fifty-five of the principal Act is not complied with, the owner shall be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for each day during which such non-compliance continues.

25.—Connections with Substituted Sewer.—Where the town council has resolved to abandon any sewer vested in them and used as part of the sewage system of the burgh and to substitute a new sewer in place thereof, they shall either connect with the new sewer the branch drains connected with the abandoned sewer, making such alterations or repairs thereon as may be necessary, or construct or lay from the new sewer new covered branch drains of such materials, of such size, at such level, and with such fall as may be necessary for the drainage of houses or buildings previously drained by means of the abandoned sewer, and the expense of making such connection, alterations, and repairs, or constructing and laying such new branch drains shall, except so far as the length of any new branch drain may exceed that of the formerly existing branch drain, be recoverable from the owner of the house or building served thereby as private improvement expenses.

26.—Buildings for Noxious Trades.—Where, under the provisions of the Public Health (Scotland) Act, 1897, or otherwise, the sanction of the town council is required to the establishment of any business, the dean of guild court shall not grant decree of lining for the erection, alteration, or enlarging of buildings with a view to the establishment of such business until satisfied that the town council have given their sanction.

27.—Temporary Occupation of Street by Builders.—The dean of guild court may permit any person erecting, taking down, altering, or repairing any building, to occupy temporarily any portion of any street adjoining the same, for the purpose of depositing building materials or otherwise in connection with his operations, and may permit staging or scaffolding to be erected projecting over the area so occupied: Provided that—

(1) Such occupation shall be only for such period, and subject to such charge for occupation and other terms and conditions as the court shall prescribe in the decree permitting the occupation, and be subject to the provisions regarding hoardings of the principal Act, and of this Act; and

(2) The person erecting such staging or scaffolding shall, in doing so, obey any orders regarding the same that the court or the burgh surveyor may issue to him.

The court may direct that the hoardings referred to in the one hundred and eighty-seventh section of the principal Act, or any staging or scaffolding permitted under this section, shall be so constructed as to leave the footway of the street wholly or partially open for foot passengers, and roofed over for the protection of such passengers.

28.—Barricades on Streets.—The dean of guild court permitting the occupa-

tion of any portion of a street for the purpose aforesaid may, on special cause shown, grant an extension of the period originally prescribed for such occupation, and if the person to whom such permission is granted continues such occupation after the expiration of such period, original or extended, he shall (in addition to any penalty that may be imposed on him) be liable to pay to the town council the sum of one penny per square yard occupied for every day that such unauthorised occupation continues, and such sum shall be recoverable by motion at the instance of the burgh surveyor in the process of lining under which the occupation was permitted.

29.—Penalty on Unauthorised Occupation of Street.—Every person who occupies any portion of a street for the purpose aforesaid without the sanction of the dean of guild court, or continues the said occupation beyond the period sanctioned, or contravenes the prescribed terms or conditions, or disobeys any order issued by the court or the burgh surveyor regarding any hoarding, staging, or scaffolding, erected in terms of the two immediately preceding sections or of the one hundred and eighty-seventh section of the principal Act, or refuses or neglects to remove any such staging or scaffolding when directed by the court within a time specified by the court for such removal, or commences any building operations without having provided any hoarding required in connection therewith, shall be liable to the penalties specified in the one hundred and eighty-seventh section of the principal Act.

30.—Advertisements on Hoardings.—Where such hoardings, stagings, or scaffoldings are erected upon the solum of the street, they shall not, without the permission of the town council, be used for advertising purposes, except by the occupiers of the premises at which they are erected with reference to their own business. Any person contravening this enactment shall be liable to a penalty not exceeding forty shillings.

31.—Safety of Roofs and Platforms.—Every roof of a new or existing building, and every platform, balcony, stand, staging, or other structure or part thereof let, or used, or intended to be let or used, for the purpose of affording sitting or standing accommodation for a number of persons, shall be safely constructed and secured, and provided with sufficient access and exit, all to the satisfaction of the burgh surveyor, who shall be entitled to issue such notices or requisitions with regard thereto as he shall think proper.

Any person who uses, or allows to be used, for the said purpose any such roof or structure or part thereof not so safely constructed or secured and provided with sufficient access and exit, or who neglects to comply with any notice or requisition of the burgh surveyor with regard thereto, shall be liable to a penalty not exceeding fifty pounds, and a further penalty of five pounds for each day during which such use or neglect continues, and may further be interdicted by the dean of guild court from such use until such notice or requisition is complied with.

32.—Scaffoldings.—The dean of guild court shall, on the application of the burgh surveyor, have power to prohibit and stop the erection, use, or employment, and to order the alteration or removal of any crane, scaffolding, staging, or shoring in or connected with the construction and erection, or the demolition, alteration, repair, or securing of any new or existing building, or in or connected with any excavation for the purpose of any work authorised by the dean of guild court, where such crane, scaffolding, staging, or shoring is, or is likely to be, in the judgment of the burgh surveyor, a source of danger.

33.—Burgh Surveyor may Inspect Buildings.—The burgh surveyor or any inspectors appointed by him or by the town council or any men of skill appointed by the dean of guild court, and exhibiting their authority if called upon to do so, may at any reasonable time enter upon and inspect all buildings, premises, or lands upon which any operations are being executed under decree of the dean of guild court, and all public buildings, and any person who obstructs or interferes with the burgh surveyor or such inspectors or men of skill, or who refuses to give all reasonable facilities for the purpose of such inspection, shall be liable to a penalty not exceeding five pounds for each offence.

34.—Testing Strengths.—The burgh surveyor may apply, or cause to be applied, any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building, street, sewer, or work, and the owner of such building, street, sewer, or work shall, if required, provide facilities and

assistance to enable him to test such quality and strength, and the determination of the burgh surveyor as to such quality and strength shall be subject to the review of the dean of guild court.

The costs of such tests and the expenses of procedure connected therewith and consequent thereon shall be borne by the owner of such building, street, sewer, or work, and the dean of guild court may decern for such costs and expenses against such owner.

35.—Burgh Surveyor may Stop Infringements.—Wherever the burgh surveyor finds any operation in progress or work being done on or in connection with any street or building contrary to the Burgh Police Acts or any byelaw thereunder, he may forthwith prohibit such operation or work for any period not exceeding one week, and may take precautions by the appointment of watchmen and otherwise to ensure that such operation or work shall not be resumed within such period; and the burgh surveyor shall forthwith bring the matter before the dean of guild court, and the dean of guild court shall be bound to hold a sitting for the disposal of the matter before the expiry of the said week, and constables of police shall be bound to render such assistance as may be required to enable the burgh surveyor to carry the provisions of this section into effect.

Dean of Guild Court.

36.—Town Council may Appear before Court.—Where the town council appear as a party before the dean of guild court, they may appear by such law agent, other than the town clerk, as they may appoint.

37.—Form of Proceedings.—Without prejudice to the use of any other competent form, the proceedings before the dean of guild court may be in a similar form to those in civil processes in the sheriff court, and all decrees, warrants, and orders of the court may be extracted, served, intimated, endorsed, and enforced both within and outside of the burgh, in the same form and manner, by the same officers, and to the same effect as any decree, warrant, and order issued by any sheriff court in such processes: Provided that where it is necessary to execute any such decree, warrant, or order anywhere within the county within which the burgh is situated, but outside the burgh, the same shall be endorsed by the sheriff clerk of the said county or his depute. Where expenses are found due to or by any parties to any process before the court, the same shall be taxed in accordance with the table of fees applicable to proceedings in the sheriff court, and the clerk of the dean of guild court shall act as auditor of the accounts of expenses.

38.—Town Council may Prescribe Rules for Court.—The town council may, if they deem it advisable, from time to time prescribe rules for the conduct of the business of the dean of guild court, and, in particular, for regulating—

(1) The dates of the meetings of the said court:
(2) The quorum necessary at such meetings:
(3) The number of days that must elapse between the presentation or service of any petition and the sitting of the court at which it is to be considered:
(4) The persons on whom any petitions or deliverances should be served:
(5) The plans to be submitted along with any application: and
(6) The duties of the clerk and other officers of court:

and may from time to time vary or alter such rules.

39.—Power to Relax certain Statutory Rules.—The dean of guild court may, upon a report in writing by the medical officer and burgh surveyor that adequate provision is made for light and ventilation, and with the consent of the town council, in any special case, relax or modify to such extent and under such conditions as the court may think proper, all or any of the provisions of the Burgh Police Acts with regard to the laying out of streets and the erection or alteration of buildings, and the open space adjoining buildings, provided the court is of opinion that there are exceptional circumstances justifying such relaxation or modification.

40.—Burgh Surveyor may give Warrant for Minor Alterations.—In the cases (1) of any internal alteration of the structure of a building which the burgh surveyor

shall consider to be of a minor and unimportant character, and (2) of the erection of water-closets and other offices, though proposed to be erected externally, the burgh surveyor shall, if and during such period as the dean of guild court grants him authority, have power, on written application being made to him, to grant permission to the owner to proceed with the same without further authority, and in such a case it shall not be necessary for the owner to obtain warrant therefor from the dean of guild court, but in every such case the operations shall be carried out to the satisfaction of the burgh surveyor, who shall keep a record of such applications, and of the permission granted and the conditions thereof, and in each case report the same to the next meeting of the dean of guild court. In any burgh where a councillor is appointed to perform the duties and functions of a dean of guild, under section one hundred and two of the Town Councils (Scotland) Act, 1900, such councillor shall, if the town council so resolve, come in place of the burgh surveyor for the purposes of this section.

41.—Penalties for Laying out Streets or Erecting Buildings without Warrant.—(1) Every person who contrary to the provisions of the Burgh Police Acts—

(*a*) Shall lay out or form or begin to lay out or form any street or part thereof or erect or begin to erect any house or building, or make any excavation for the purpose of such formation or erection (with the exception of excavations for the laying or repair of sewers, drains, water or gas pipes, or electric apparatus, or for the formation or repair of any street made by authority of the town council or burgh surveyor, and of excavations made by statutory authority) without having obtained warrant therefor from the town council or the dean of guild court as the case may be: or

(*b*) Shall widen, extend, or otherwise alter or close up, any street or part thereof, or alter, add to, or take down in whole or part, or re-erect or restore after destruction by fire or otherwise, the structure of any building, or alter the structure of and use for human habitation any house or building not previously so used, or alter the mode of occupancy of any house in such a manner as to increase the number of houses or occupants, without having obtained warrant therefor from the town council, the dean of guild court, or the burgh surveyor, as the case may be: or

(*c*) In carrying out any of the operations aforesaid shall deviate from the plans sanctioned by the town council or the dean of guild court as the case may be, or contravene or fail to comply with any conditions contained in the warrant or other authority sanctioning the same:

shall be liable to a penalty not exceeding fifty pounds.

(2) Every person who in carrying out any of the operations aforesaid shall, otherwise than as above mentioned, contravene or fail to comply with any lawful order of the town council, the dean of guild court, or the burgh surveyor, as the case may be, or shall contravene or fail to comply with any of the building rules under section one hundred and seventy-seven of the principal Act, shall be liable to a penalty not exceeding twenty pounds.

(3) In case of any contravention as in this section mentioned, the town council or dean of guild court, as the case may be, may order the closing or opening up of any street or part thereof, or the closing or demolition of any building or part thereof, or the restoration of the same to its previous condition, or the execution of such work upon the same as they may judge requisite to make the same conform, or as nearly as may be conform, to the sanctioned plans, and the conditions of the warrant, or the building rules aforesaid.

Any such order may specify dates for the commencement and completion of the work ordered, and any person failing to commence or complete the work ordered within the period specified shall in addition to any penalty which he may incur under the provisions of subsection one or subsection two hereof be liable to a penalty not exceeding five pounds for each day after the respective dates so specified during which such failure shall continue.

(4) Where any such order has been made, and the work has not been commenced or completed at the respective specified dates, or where the court, in pronouncing any order, authorises the town council to carry it out, the town council shall be entitled to

carry out the said order, and any expense thereby incurred by them shall be recoverable as private improvement expenses.

42.—Town Council in certain Burghs to have Powers of Dean of Guild Court.—In any burgh where there is no dean of guild court, the functions of the dean of guild court under the Burgh Police Acts shall be performed by the town council, to whom all applications required to be made to the dean of guild court shall be made. Provided that nothing herein contained shall entitle the town council to act as a court for the trial of guild offences.

43.—Enforcement of Penalties for Dean of Guild Court Offences.—In addition to any other competent means of recovery, the penalty for any guild offence may be recovered by poinding or arrestment, and the sentence of the court imposing the penalty may contain a warrant therefor.

Public Parks.

44.—Power to Erect Buildings in Public Parks.—The town council may, in any park, open space, pleasure ground, or place of public resort or recreation vested in them or under their control,—

(1) Reclaim any waste ground:
(2) Unless prohibited by any local Act erect pavilions, shelters, band stands, or similar buildings, and give the use of the same to the public or to givers of entertainments, at such charges as they may fix, and let out any part of the same as shops, stalls, or restaurants:
(3) Provide music by bands, concerts, or otherwise:
(4) Set apart and lay out any reasonable portion thereof for any game, and make such charges as they may fix for persons or clubs using such portion: and
(5) Set apart any reasonable portion thereof as a children's playground and provide gymnastic or other apparatus therefor.

The town council may defray the cost of anything done under this section from any assessment applicable to the acquisition or maintenance of public parks, open spaces, pleasure grounds, or places of public resort or recreation.

Rating and Borrowing Powers.

45.—Fractions of a Pound not to be Reckoned in Assessing.—In assessing, levying, and collecting all rates and assessments imposed by the town council under any Act, any fractional part of a pound exceeding ten shillings shall be reckoned as one pound of rateable rent or value, and any fractional part less than ten shillings shall not be taken into account.

46.—Extension of certain Sections of Burgh Police Act.—Sections three hundred and forty-three to three hundred and forty-six inclusive, and three hundred and forty-eight to three hundred and fifty-seven, inclusive, and section three hundred and seventy of the principal Act shall, notwithstanding any enactment to the contrary, be applicable to all assessments levied by the town council under statutory authority.

47.—Extension of Preliminary Requirements to all Borrowing.—The provisions of section three hundred and seventy-four of the principal Act, as to estimate, notice, and disposal of any proposal to borrow, shall apply to all sums to be borrowed, whether temporarily or otherwise, by the town council of any burgh under any public general Act.

48.—Sinking Funds.—In providing the sinking fund applicable to the repayment of any moneys borrowed by them after the commencement of this Act under any public general Act in force at the passing of this Act, the town council may in their option either do so in the manner provided by such Act, or they may annually or semi-annually, during a period not exceeding thirty years from the date of borrowing, set apart such sum as, with the interest on any accumulations thereof, shall be sufficient to pay off the whole principal and interest of the loan within such period. In calculating the annual or semi-annual amount necessary for this purpose, the interest to be received on the accumulations of the sinking fund shall be reckoned at the rate

of three per centum per annum, or at such other rate as the Secretary for Scotland may, at the date of borrowing, fix, on the application of the town council. It shall further be in the power of the town council, in the case of any loan, instead of providing a sinking fund for the repayment thereof, to agree with the lender that the annual or semi-annual sums set apart as aforesaid shall be received by him in liquidation of the principal and interest of the debt.

49.—Power to Borrow Temporarily.—For the purpose of providing temporarily for their current expenses under any public general Act between the commencement of any financial year and the date when any assessment for that year is received, or of providing temporarily for the payment of any expenses which the town council of any burgh are entitled to defray from moneys borrowed under any public general Act on the security of any assessment, it shall be lawful for the town council to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person on the security of such assessment, such sums as they may from time to time resolve, and any amount so borrowed shall form a charge upon the assessment in respect of which it is borrowed, as the same may be specified in the resolution of the town council authorising such borrowing, pari passu with any bond or mortgage affecting the same, and it shall further be lawful for the town council to utilise, for providing temporarily for any such expenses, any sinking funds which they may have on hand, crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve: Provided that—

(1) All sums so borrowed in respect of the current expenses of any financial year shall be repaid before the expiry of such year out of the assessment or assessments of such year:

(2) Every other sum borrowed under the provisions of this section shall be repaid not later than six months after the expiry of the financial year in which it is borrowed: Provided that if any such sum is repaid by means of a loan, whether on mortgage or otherwise, such loan shall be deemed to have been incurred at the date at which such sum was first temporarily borrowed, and all provisions for the repayment of such loan shall apply accordingly:

(3) In all cases the town council shall in the annual abstract of their accounts show separately the amount outstanding at the end of each year of any sums temporarily borrowed, and state the reason of the same being outstanding and the steps they intend to take for paying off the same.

Offences and Penalties.

50.—All Vehicles to Carry Lights.—Every carriage (as defined in the principal Act) drawn by animal power which shall be driven or be upon any street during the period between one hour after sunset and one hour before sunrise, shall be provided with a lamp or lamps which shall be constructed and placed so as to exhibit a white light visible within a reasonable distance in the direction in which the carriage proceeds or is intended to proceed, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the carriage: Provided that where one lamp only is so carried it shall be, or where more than one lamp is so carried, one of such lamps shall be attached to the extreme off or right side of the carriage: Provided also that any carriage used for the purpose of carrying timber, whether rough or sawn, or for the purpose of carrying any pole, board, wooden or metal bar, rail, girder, boiler, structure, or implement, or other similar load, which shall project more than six feet beyond the rear of the carriage, shall, in addition to the above-mentioned white light carry attached to such carriage, or to such timber, pole, board, wooden or metal bar, rail, girder, boiler, structure, or implement, or other similar load, a lamp or lamps which shall be so constructed and placed, and so lighted and kept lighted, as to exhibit a red light visible within a reasonable distance to persons overtaking such carriage, and to show the extent to which the timber, pole, board, wooden or metal bar, rail, girder, boiler, structure, or implement, or other similar load, projects behind the carriage.

Any person who shall cause or permit any carriage not provided with a lamp or

lamps in accordance with this section to be driven or to be upon any street during the period aforesaid shall be liable to a penalty not exceeding forty shillings, and the driver or other person in charge of any carriage provided with a lamp or lamps in accordance with this section who shall drive such carriage or cause or suffer the same to be driven or to be upon any street during the period aforesaid shall, if such lamp or lamps be not duly placed, lighted and kept lighted in the manner and during the period by this section required, be liable to a penalty not exceeding forty shillings.

Every existing power to make byelaws requiring vehicles drawn by animal power to be provided with lamps, and every byelaw made thereunder, shall so far as such power or byelaw applies to a burgh to which this section is applicable, or by which this section shall have been adopted, be repealed and rescinded.

51.—Prohibition of Betting in Streets.—If any person who conducts business of any kind in lotteries, betting, or gaming, shall in any street engage in lotteries, betting, or gaming, or do any act for the purpose of inducing or enabling any other person to engage in any lottery, betting, or gaming, he shall be liable to a penalty not exceeding ten pounds for the first offence, twenty pounds for the second, and fifty pounds for any subsequent offence within the burgh. In the case of any second or subsequent offence, the offender may be sentenced to a period of imprisonment not exceeding sixty days, without the option of a fine. Any constable may take into custody, without warrant, any person who shall commit an offence under this section in view or hearing of such constable. In this section the expression "street" includes any common stair.

52.—Penalty on Allowing Loose Paper to Lie on Streets.—Every person who—

(1) Being a bill poster or an employee of such person affixes or causes to be affixed to any building or hoarding any bill or advertisement, unless the same is fastened in such a manner as to reasonably provide against its being torn, blown, or washed off by the action of the weather, or after removing any bill or advertisement, or part thereof, throws down or places and leaves the same upon any street: or

(2) Being a shopkeeper or other retail tradesman, or an employee of such person habitually engaged in delivering goods, throws down or places and leaves, upon any street, any paper or other similar article used or intended to be used for the wrapping of goods,

shall be liable to a penalty not exceeding forty shillings for each offence.

53.—Prevention of Unnecessary Noises during Illness.—It shall not be lawful for any person in any common stair, passage, or back court within the burgh, in which a notice signed by a duly qualified medical practitioner has been posted in a conspicuous position intimating the existence of serious illness, to make any unnecessary noise which might be hurtful to any person suffering from such serious illness in any dwelling-house entering therefrom.

54.—Manufacture and Sale of Ice-Cream.—(1) Any person being a manufacturer of, or merchant or dealer in, ice-cream or other similar commodity, who within the burgh—

(*a*) Causes or permits ice-cream or other similar commodity to be manufactured, sold, or stored in any cellar or room in which there is an inlet or opening to a drain; or

(*b*) In the manufacture, sale, or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination, or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(*c*) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building, any part of which is used for the manufacture of ice-cream or similar commodity, suffering from any infectious disease, the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building, and the council shall compensate the owner of the ice-cream, commodity, or materials so destroyed.

MISCELLANEOUS.

55.—POWER TO OPPOSE BILLS AND PROVISIONAL ORDERS.—Without prejudice to any powers possessed by them under the existing law the town council of a burgh shall, subject to the like conditions, have the like powers of opposing Bills or Provisional Orders as are conferred upon county councils by section fifty-six of the Local Government (Scotland) Act, 1889, as read with the Private Legislation Procedure (Scotland) Act, 1899, and any expenses incurred by them in any year in the exercise of the last-mentioned powers may be defrayed in whole or in part from any assessment or from any two or more separate assessments levied by them in such year or in the following year, all as the town council may determine. Provided that any ratepayer who is entitled to an exemption from any assessment leviable by the town council may appeal to the Secretary for Scotland against any such determination, and his decision shall be final. Provided further—

(1) That any such appeal shall be made within fourteen days from the publication or advertisement in manner provided by section three hundred and forty of the principal Act, or otherwise, of the assessment appealed against; and

(2) That in the event of any such appeal being sustained in whole or in part, and any such assessment being quashed or varied, it shall be competent to the town council, notwithstanding anything in the principal Act or any other Act contained, to forthwith rectify and readjust in accordance with the decision of the Secretary of Scotland, the assessment so quashed or varied.

56.—POWER TO APPOINT DEPUTE OFFICERS.—The town council of any burgh may appoint one or more depute burgh prosecutors, public analysts, burgh surveyors, treasurers, and collectors, possessing the same qualifications as are necessary for the principal officers, to act in the absence or illness of any such officers, and, in case of vacancies, may make interim appointments, and persons so appointed shall, during such absence or illness, or during vacancies as aforesaid, have the same powers and duties as such officers.

57.—COMPENSATION FOR LAND TO BE SETTLED BY SINGLE ARBITER.—In all cases of disputed compensation under this Act or any other public general Act whereby the town council of any burgh is entitled to acquire land compulsorily under the Lands Clauses Acts, or whereby any compensation payable by a town council falls to be determined under the last-mentioned Acts, it shall, unless both parties concur in the appointment of a single arbiter in terms of such Acts, be in the power of either party to apply to the Secretary for Scotland to appoint a single arbiter to determine the compensation to be paid, and it shall not be competent thereafter to have the same determined by arbiters, oversman, sheriff, or jury, acting under the said last-mentioned Acts. The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts, and the provisions of the said Acts with regard to arbitration shall apply accordingly, and the arbiter shall, notwithstanding anything in the said Acts, determine the amount of the expenses in the arbitration, and such determination shall be final. The remuneration of the said arbiter shall, failing agreement, be fixed by the Secretary for Scotland. The expression "land" in this section includes water and any right or servitude to or over land or water. Provided that this section shall not apply in any case where the public general Act authorising the acquisition of land or determining the compensation aforesaid makes special provision for the appointment of a single arbiter.

58.—LIMITATIONS OF OBLIGATIONS OF FACTORS.—Any factor, agent, or commissioner, within the meaning of subsection twenty-two of section four of the principal Act, responsible as such for carrying out and implementing the obligations imposed by the Burgh Police Acts upon any owner, and for payment of any penalties imposed by or expenses incurred under said Acts, shall be liable to the extent only of the funds, rents, and other assets belonging or payable to such owner which may be in or may come into his hands or control, and in the event of such factor, agent, or commissioner paying or becoming liable for any sums of money in implementing such obligations and paying such penalties or expenses, he shall have a right and claim for relief against such owner for any sums so paid or expenses incurred by him. Provided that

any notice given to such factor, agent, or commissioner by or at the instance of the town council in respect of any lands or premises shall be effective against the owner or any new factor, agent, or commissioner appointed by him, and any action raised against such factor, agent, or commissioner, may on the motion of the town council be transferred against the owner or any new factor, agent, or commissioner appointed by such owner. Provided further that nothing herein contained shall affect the liability of any factor, agent, or commissioner in respect of his personal delict.

59.—Byelaws for Commons, etc. beyond Burgh Boundaries.—Where any common, links, bleaching green, recreation ground, park, open area or space, or other place of public resort or recreation is situated partly within and partly outside of any burgh, the town council may exercise with regard to the whole area of the same the same powers of making byelaws as are possessed by them with regard to any such places so far as within the burgh, provided that such byelaws shall not have effect in the portion thereof situated out of the burgh, without the consent of the county council or town council, as the case may be, of the county or burgh within which such portion is situated.

The powers conferred on the magistrates by section two hundred and seventy-five of the principal Act with regard to golf caddies may, with the consent of the county council or town council as aforesaid, be exercised over the whole area of any golf links situated partly within and party outside of any burgh.

Part II.—(Adoptive.)

60.—Supplementary Valuation Roll.—The county council and magistrates of burghs respectively acting under the Lands Valuation (Scotland) Act, 1854, in addition to the ordinary valuation roll made up under the said Act as at fifteenth August in each year, shall between the first day of January and the first day of March in each year, if the town council so resolve before the said first day of January, cause to be made up by the assessor under the said Act a supplementary valuation roll, showing the yearly rent or value and other particulars as in the ordinary valuation roll of all lands and heritages that may have come into existence or occupancy within any burgh after the completion of the ordinary valuation roll last made up, and also including a column stating the respective dates when such lands and heritages came into existence or occupancy, but excluding any column such as mentioned in section nine of the Representation of the People Act, 1884, and all statutory provisions applicable to the principal valuation roll shall mutatis mutandis be applicable to the said supplementary roll, and the town council shall be entitled to impose supplementary assessments in respect of all lands and heritages in such supplementary roll, proportionate to the respective periods between the dates so stated and the term of Whitsunday next following, for all purposes for which the town council may be entitled to assess, which supplementary assessments shall be made, so far as possible, in the same manner, under the same conditions, and with the same powers of recovery, as are applicable to the corresponding assessments for the whole year. All expenses incurred by a county council in giving effect to the provisions of this section in any burgh shall be requisitioned for and paid in terms of section sixty-six of the Local Government (Scotland) Act, 1889.

Streets and Buildings.

61.—Width of Streets and Height of Buildings.—Section one hundred and fifty-two of the principal Act shall be repealed, and in place thereof the following section shall have effect:—

(1) It shall not be lawful to form or lay out any new street, or part thereof, or court, within the burgh, unless the same shall (measuring from the centre of the front wall of the building or intended buildings therein at the level of the surface of such street) be at least sixty feet wide, and unless a space of at least forty feet shall be set apart for carriageway and footways, and no dwelling-house or houses shall be built in any such street or court which

shall exceed in height from the level of the surface of the street or court to the ceiling of the highest habitable room one and a quarter times the width of such street, measuring from the front wall of the buildings or intended buildings on each side thereof: Provided always that where any road or street fronts any links or common or other open area, or in other exceptional circumstances, the town council may allow buildings of greater height:

(2) For the purposes of this section a street shall not include a mews or other lane, which may be made fifteen feet wide or of such other width as may, according to the use to be made thereof, be approved of by the town council: Provided that no dwelling-house or houses to be built fronting a lane shall exceed in height one and a half times the width of the lane:

(3) Where a building abuts on two streets or courts of different widths or levels, the height shall be measured from the street or court which lies on the higher level, and shall be regulated by the width of the wider of such streets or courts to a distance of fifty feet along the narrower street or court from the point of junction:

(4) The area between the said space for carriageway and footways and the building line may be occupied by fences not exceeding six feet in height above the street level, or by outside door-porches or door-steps of such height and breadth as shall be approved of by the town council, or by trees or shrubbery, but with these exceptions shall not be occupied by any erection above the street level:

(5) Where any ground whether belonging to one or to more than one proprietor abuts on an existing street and is for a continuous distance of two hundred yards or upwards along the street, either unbuilt upon within a line parallel to and running at a distance of thirty feet from the centre line of the street, or not occupied within the said thirty foot line by buildings of a greater height than fifteen feet, it shall not be lawful to erect any new building thereon within the said thirty foot line: Provided that this subsection shall not apply to any existing street which has been formed or laid out under the provisions of the Burgh Police Acts or any Act thereby repealed:

(6) Where the council of a burgh adopting this section inserts in the resolution by special order adopting it a proviso that the words "sixty feet" occurring in subsection one shall be altered by the substitution therefor of any number of feet specified in the resolution not being less than forty and not exceeding sixty feet, and that the words "thirty feet" in subsection five shall be altered as nearly as may be in proportion, and also that the words "forty feet" in subsection one shall be altered by the substitution therefor of any number of feet specified in the resolution not being less than thirty-six and not exceeding forty feet, this section upon adoption shall in its application to such burgh be read and construed accordingly as subject to such proviso.

62.—Corners of Streets.—The dean of guild court, on the application of the town council, may require the owner of any new building proposed to be erected at the junction of two streets to round off the corner of such building, either to the height of the first storey or to the full height of the building, or to such extent otherwise as the said court may determine, and for any loss which may be sustained through the exercise of the powers by this section conferred the town council shall make compensation to the owner of such building, to be assessed, in case of dispute, by arbitration under the Lands Clauses Acts. The said compensation shall be defrayed from the same source as the expenditure referred to in the section of this Act whereof the marginal note is "Payment of expenses in connection with streets."

63.—Area to be attached to Dwelling-Houses.—Section one hundred and seventy of the principal Act shall be repealed, and in place thereof the following section shall have effect:—

Every new building intended to be used in whole or part as a dwelling-house or houses, and every building not previously so used when the same is altered for the purpose of being so used, shall (subject as hereinafter provided) have immediately adjoining it, on the further side of the building from that fronting the street on which it abuts, an open space for light and ventilation, equal in breadth at the narrowest

part to the height of the building (measured from the floor of the lowest room to be occupied as a dwelling-house or part thereof to where the roof of the building rests upon the wall), and extending along the whole length of the side of the building which such space subtends. The said space may consist in whole or part either of—

(*a*) A public street, lane, or court;

(*b*) A private street, lane, or court, or other vacant space over which a servitude exists in favour of the ground occupied by the proposed new building or building altered as aforesaid, entitling the owner thereof to insist that it shall be always kept open, and unbuilt upon, except as regards the conveniences after mentioned;

(*c*) Ground belonging to the owner of the said building which he undertakes to keep vacant, except as regards such conveniences; or of

(*d*) Ground which, in the opinion of the dean of guild court, is not likely to be built on in such a manner as to exclude or restrict light and ventilation:

No buildings of any kind shall be erected upon the said open space above the level of the floor of the lowest room to be occupied as a dwelling-house or part thereof, other than the sloping roof of any saloon used for business premises situated below the level of the said floor, or other than the water-closets, privies, ashpits, coal-houses, washing-houses, or other similar conveniences attached to dwelling-houses, which conveniences shall not exceed fifteen feet in height above the ground, and shall be limited to such extent of area and placed in such position as the dean of guild court may determine, so as to interfere as little as possible with the light and ventilation of the dwelling-houses adjoining the said open space: Provided that—

(1) In the case of any building or part of a building situated within sixty feet of the junction of the building lines of any two streets or courts, the provisions of this section shall be modified to such extent as shall, in the opinion of the dean of guild court, be necessary to permit the corner stance to be built upon:

(2) In the case of any new building erected on the site of any building used at the date when this section comes into force in whole or part as a dwelling-house or houses, the provisions of this section shall be subject to the modification that, where the said new building does not exceed the limits of the old building as regards height, breadth, and length, and the open space in rear of it is, at the said date, less than or of a different character from that required by this section, the owner shall not be required to provide additional open space:

(3) In the event of any one or more flats in any building ceasing to be occupied as dwelling-houses, the owner of the open space adjoining such building may (if otherwise entitled to do so, and if building upon the same will not interfere with the open space required for any other building) build upon the said open space up to the level of the floor of the lowest flat still occupied in whole or part as a dwelling-house, but the part of the building below such level shall not be again used as a dwelling-house except upon removal of such additional buildings.

64.—Space in Front of Sleeping Apartments.—It shall not be lawful for any owner to let as a sleeping apartment, or for any person to hire, use, or suffer to be used as a sleeping apartment, any room unless there be in front of at least one-half of every window of such room an open space, beyond any obstruction or impediment from overhanging balconies, of a breadth equal to at least three-fourths of the height of the wall in which the window is placed, measuring such space in a straight line from and at right angles to the plane of the window, and measuring such wall from the floor of the room to where the roof of the building rests upon such wall: Provided that—

(1) This enactment shall not be held to be contravened in the case of any room having two or more windows, one of which contains the area of glass required by the one hundred and seventy-third section of the principal Act, and has in front of at least one-half thereof an open space as above specified:

(2) Where any room at or prior to the adoption of this section used as a sleeping apartment is wholly or partly below the level of the street or other open

ground which its window faces, the open space required by this section so far as below the said level need not be of greater width than the distance from the surface of the floor to the said level:

(3) Notwithstanding that any room used as a sleeping apartment in any existing building does not comply with this section, it may for the period of two years from the date when this section comes into force continue to be so used, and the town council may on the application of the owner, and after a report by the medical officer and burgh surveyor as to the fitness of the room for use as a sleeping apartment, pass a resolution extending the said period to such date as they may fix. The owner may appeal against any refusal or delay for more than a month to pass such resolution in terms of section three hundred and thirty-nine of the principal Act.

(4) This section shall not apply to any room at or prior to the adoption thereof legally used as a sleeping apartment, and contained in any building erected since the commencement within the burgh of the principal Act and in conformity with the provisions of that Act.

Any person contravening this enactment shall be liable to a penalty not exceeding five shillings for each room for every day or part of a day during which such room is used in contravention thereof.

65.—Bed-recesses.—It shall not be lawful in any dwelling-house to make any new enclosed bed or bed-recess which is not open in front for three-fourths of its length, and from floor to ceiling (with the exception only of carrying-beams). No building which contains any enclosed bed or bed-recess shall be altered so as to increase the number of dwelling-houses or occupiers in such building, unless all such enclosed beds and bed-recesses therein are opened up to the extent foresaid.

66.—Cubic Space in Dwellings.—No dwelling-house shall hereafter be erected, provided, or constructed in any new or existing building, and no dwelling-house shall be altered so as to be (exclusive of any lobbies, closets, presses, and recesses) of less than the dimensions following, viz.:—

Dwelling-houses of one apartment, 1000 cubic feet:

Dwelling-houses of two apartments, 1600 cubic feet:

Dwelling-houses of three apartments, 2400 cubic feet:

Provided that—

(1) The provisions of this section shall not prevent the restoration, according to the original plan, of dwelling-houses destroyed by fire, unless the building is destroyed or taken down to within fifteen feet of the level of the street:

(2) Where it is proposed to alter an existing dwelling-house so as to increase its dimensions, it shall be in the power of the town council to permit said alteration, though the increase may not be sufficient to bring the dimensions up to the above scale:

(3) This section shall not apply to the erection, provision, construction, or alteration of any dwelling-house in accordance with any warrant of the dean of guild court granted before the date when this section comes into force.

The word "recess," in this section and in the section immediately following, shall mean and include any recess having no separate window, which is not open from front to back, from floor to ceiling, and from side to side, and is not free from fixtures.

67.—Ticketing of Cubic Space.—Any person appointed in writing by the town council may at any reasonable time enter any dwelling-house which consists of not more than three apartments for the purpose of measuring, in cubic feet, the space contained therein (exclusive of lobbies, closets, presses, and recesses), and, if the cubic contents thereof do not exceed two thousand four hundred feet, may, in such position and style as the town council see fit, mark thereon, or affix thereto a ticket on which are marked, the number of such cubic feet, and the number of persons exceeding the age of ten years who, without a breach of the provisions of this section, may sleep therein, reckoning one such person for every four hundred cubic feet; and any person who obliterates, defaces, removes, or alters such marking or ticket, shall be liable to a penalty not exceeding ten shillings.

68.—Penalty on Overcrowding.—If any dwelling-house is used for the purpose of sleeping therein by a number of persons greater than is marked or ticketed thereon,

in pursuance of the provisions of the immediately preceding section (every two persons of less than ten years of age being reckoned as one person exceeding the said age), every person so using the said dwelling house, or suffering the said dwelling-house to be so used, shall be liable to a penalty not exceeding twenty shillings for every day or part of a day during which it is so used or suffered to be used, and any persons authorised in writing by the town council, and exhibiting their authority if called upon to do so, may at any time enter any dwelling-house marked or ticketed as aforesaid, if they believe that the provisions of the said section are being contravened.

Hollow Squares.

69.—Provisions for Openings in Hollow Squares.—The expression "hollow square" in the sections of this Act under the heading "Hollow Squares," shall mean and include any square, parallelogram, triangle, polygon, circle, or other regular or irregular figure of ground of a less superficial area than one acre, bounded on all sides by one or more streets in such a manner as to permit of buildings being erected on it round its margin so as entirely to enclose the interior space.

Where a petition is presented for a warrant to form or lay out a new street so as to enclose, in conjunction with then existing streets, or with other new streets then proposed to be formed, or that may thereafter be formed, a hollow square, the town council, before sanctioning such street, shall require the owners of the ground forming the hollow square to provide spaces or openings fifteen feet wide through the hollow square from street to street for the purpose of through ventilation, and if the owners fail to submit on a plan a suitable position for such spaces or openings the town council shall fix the same: Provided that where in consequence of one or more sides of any hollow square having before the date of the application for sanction of such new street been already wholly or partially built upon, it may be impossible, without removal of buildings, to provide suitable spaces of the foregoing description going through from street to street, the town council may accept one or more spaces or openings of the aforesaid size and in such position or positions as they may fix in any part of the said hollow square in lieu of the above requirements. Any spaces or openings provided under this section shall remain open and unbuilt upon from the height of fifteen feet upwards.

70.—Compensation for Ground taken.—Where the ground composing any hollow square belongs to different owners, the owner of any ground which may be set apart for the aforesaid spaces or openings shall be entitled to be paid by the whole owners of the hollow square compensation in respect of the ground so set apart, and the said compensation shall, failing agreement, be fixed by a valuator to be appointed by the sheriff on the application of any owner interested. In fixing the said compensation the valuator shall take into consideration—

(1) The use which the owner of the ground set apart and the other owners of the hollow square may make of the open space up to the height of fifteen feet;

(2) Any injury which the setting apart of the said ground may occasion to the remaining property of the owner thereof;

(3) Any improvement which the existence of the said open space may cause to the claimant's property either by itself or in common with the other properties in the hollow square;

and the valuator shall further apportion the said compensation among the whole owners liable, including the claimant, in proportion to the area of their respective properties or in any other proportion that he may consider just. The expenses attending the said valuation, including the valuator's fee, as the same may be fixed by the sheriff, shall be paid by the owners liable to pay such compensation in such proportions as the valuator may fix.

71.—Compensation to form a Charge on Property.—The portion of the compensation and expenses referred to in the preceding section allocated upon each of the owners in the hollow square shall in terms of this section form a charge upon the property in respect of which it is allocated preferable to any feu-duty, ground annual,

heritable security, or other burden thereon, and, on production of the valuator's report, the sheriff shall grant a decree for the amount thereof and for the expense of obtaining and extracting the said decree against the owner liable, including a declarator that the same forms a charge upon the property in question, and, on an extract of the said decree being recorded in the appropriate Register of Sasines, the amount contained therein, with interest thereon at the rate of four per centum per annum from the date thereof, shall form a real lien and burden preferable as aforesaid upon the said property. The keeper of the said Register shall be bound to receive and register such extract decree.

72.—Buildings in Hollow Squares.—Where an application is made to the dean of guild court to sanction the erection of buildings fronting any street enclosing along with other streets then existing or which may be thereafter formed or laid out a hollow square, the court shall, before sanctioning such erection, require the provision (so far as not already provided) by the owners of the ground forming the hollow square of spaces or openings of the nature specified in the three immediately preceding sections, and the provisions of the said preceding sections shall apply thereto.

73.—Openings through Existing Buildings.—It shall not be competent for the town council or the dean of guild court to require any of the spaces or openings for through ventilation, referred to in the four preceding sections, to be formed through or over any ground already occupied by buildings of more than fifteen feet in height, but where it appears to the town council expedient to acquire for the formation of such spaces or openings for through ventilation any ground occupied by such buildings, they shall have power to acquire such ground and the buildings thereon, and, failing agreement with the owner, shall be entitled to put in force, with regard to the said ground and buildings, the powers contained in the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

74.—Formation by Town Council of Openings.—Upon acquisition of the ground referred to in the immediately preceding section, the town council shall remove the buildings thereon or so much thereof as shall be necessary to make the said spaces or openings for through ventilation, and shall be entitled to recover from the whole owners of the hollow square the value of the ground necessary for the formation of such spaces or openings in manner provided in the section of this Act whereof the marginal note is "Compensation for ground taken," together with the expenses of the acquisition and valuation; but the valuator shall not be entitled to charge the said owners with any portion of the value of the buildings acquired, and shall value the ground as if the same had when so acquired been open and unbuilt upon. The portion of the cost of acquisition and expenses allocated on each owner under this section shall form a charge in terms of the section of this Act whereof the marginal note is "Compensation to form a charge on property," and the provisions of that section shall apply thereto.

75.—Erection of Buildings by Town Council.—The town council may erect such buildings as they consider proper upon any ground so acquired, but as regards the ground required for the said spaces or openings the said buildings shall not exceed fifteen feet in height, and the town council may sell any ground so acquired subject to the same restriction.

Sky-signs.

76.—Sky-signs.—(1) It shall not be lawful to erect or fix to, upon, or in connection with any building in the burgh any sky-sign, and it shall not be lawful to retain any existing sky-sign so erected or fixed for a longer period than three years after the date when this section comes into force nor during that period except with the licence of the town council, and in the event of such licence being granted, then only for such period not exceeding three years from the said date, and under and subject to such terms and conditions as shall be therein prescribed:

Provided that in any of the following cases a licence of the town council under this subsection shall become void, namely:—

(i) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the burgh surveyor:

(ii) If any change be made in the sky-sign or any part thereof:
(iii) If the sky-sign or any part thereof fall either through accident, decay, or any other cause:
(iv) If any addition or alteration be made to or in the building on, over, or to which any sky-sign is placed or attached, if such addition or alteration involves the disturbance of the sky-sign or any part thereof:
(v) If the building, over, on, or to which the sky-sign is placed or attached, become unoccupied or be demolished or destroyed:

Provided also that if any sky-sign be erected or maintained contrary to the provisions of this section or after the licence for the erection, maintenance, or retention thereof for any period shall have expired or become void it shall be lawful for the town council to order the owner of the sky-sign to take down and remove it within a specified time, and in the event of his failing to do so to authorise the burgh surveyor to remove it, and the expense of the removal and of the proceedings with reference thereto shall be paid by the owner of the sky-sign, and may be recovered in any competent court.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval, licence, or consent, under this section, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

The expression "sky-sign" shall in this section mean any word, letter, model, sign, device, or representation in the nature of an advertisement, announcement, or direction, supported on or attached to any post, pole, standard, framework, or other support, wholly or in part upon, over, or above any building, which, or any part of which sky-sign, shall be visible against the sky from some point in any street or public way and includes all and every part of any such post, pole, standard, framework, or other support. The expression "sky-sign" shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement or announcement on, over, or above any building, or on or over any street or public way, but shall not include—

(*a*) Any flagstaff, pole, vane, or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement or announcement;
(*b*) Any sign, or any board, frame, or other contrivance securely fixed to, or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall or to the ridge of a roof: Provided that such board, frame, or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet, or ridge to, against, or on which it is fixed or supported;
(*c*) Any word, letter, model, sign, device, or representation as aforesaid, relating exclusively to the business of a railway company, and placed wholly upon or over any railway, railway station, yard, platform, or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place.

Advertising Sites.

77.—Licences for Advertising Sites.—(1) It shall not be lawful to erect any hoarding or similar structure of more than twelve feet in height, to be used wholly or partly for advertising purposes, or to use for advertising purposes any such hoarding or similar structure without the consent of the town council, which consent may, as regards such use, be revoked at any time not less than a year from its date. Provided that any person aggrieved by the refusal or delay for one month after application to grant such consent, or by any revocation thereof, may appeal in terms of section three hundred and thirty-nine of the principal Act.

(2) If any hoarding or other similar structure or any advertisement be erected, retained, or continued, contrary to the provisions of this section, the town council may require the owner or occupier of the ground, hoarding, or structure upon which the same is placed or rests, to take down or remove such hoarding, structure, or advertisement within a specified time, and in the event of his failing so to do the dean of guild

court may, on the application of the burgh surveyor, grant warrant to and authorise the burgh surveyor to take down and remove the same at the cost of such owner or occupier, which cost, and the expenses of any proceedings with reference thereto, may be recovered from such owner or occupier in any competent court, or may be imposed on the owner as private improvement expenses, without prejudice to the right of recourse of such owner or occupier against the person responsible for the erection, retention, or continuance of such advertisement. Provided always, that any such order or proceedings shall not relieve such owner or occupier from any penalty for contravention of, or failure to comply with, the provisions of this Act, which such owner or occupier may have incurred or become liable for.

(3) The word "structure" in this section shall include any moveable structure (except a board or boards personally carried not exceeding in size four feet by two and a half feet) used primarily as an advertisement or an advertising medium.

78.—Hoardings, etc. for Advertising Sites to be Sanctioned by Dean of Guild Court.—(1) In any application to the dean of guild court for warrant for the erection or alteration of any hoarding or structure exceeding twelve feet in height to be used either wholly or partly for advertising purposes upon any land or heritage the dean of guild court shall require evidence either that such hoarding or structure does not require the consent of the town council, or that the town council have granted their consent therefor as provided in this Act. The dean of guild court if desired by the applicant, and subject to such conditions as the said court may prescribe, may remit to the burgh surveyor to examine any such application and relative plans, with power to the burgh surveyor on being satisfied therewith to grant authority for the erection of such hoarding or structure, with such modifications, and under such conditions, if any, as he may think proper, which authority shall have the same effect in all respects as if a decree had been granted by the dean of guild court, and in the event of the burgh surveyor refusing to grant such authority, the applicant may appeal to the dean of guild court.

(2) Every owner of and every person using any hoarding or structure for advertising purposes, whether erected before or after the date when this section comes into force, shall keep and maintain the same at all times in proper and safe condition and repair and securely fixed or erected to the satisfaction of the burgh surveyor, and the dean of guild court may at any time, on the application of the burgh surveyor, pronounce such order upon the owner of or person using such hoarding or structure as in the opinion of the dean of guild court may be necessary to render the same secure, or may order such owner or person to remove the same. In the event of such order not being, within a period to be specified therein, implemented to his satisfaction, the dean of guild court may authorise the burgh surveyor to take such steps as the dean of guild court may direct for such purpose, or in case of urgency, to remove the said hoarding or structure, all at the cost of the owner or person using the same. Any proceedings under this section, and any order to be pronounced therein, may be taken or directed against either the owner of or the person using such hoarding or structure or both of them.

Seashore adjoining Burgh.

79.—Further Powers relating to the Foreshore of Burgh.—(1) The powers of the town council under section three hundred and three of the principal Act relating to seashore and strand within a burgh shall, subject as therein mentioned, extend to the erection of retaining walls or embankments for the purpose of protecting land from the sea, and to the levelling up of the land enclosed by such walls or embankments. Provided that the consent required by the said section shall as regards any seashore or strand under the management of the Commissioners of Woods be deemed to include the consent of such Commissioners.

(2) Subject to the rights of the Crown, and without prejudice to any existing right of property, no person who does not possess or who fails to exhibit to any constable or officer of the town council requiring him so to do a written authority from a proprietor or other person having right to grant the same shall, without the consent of the town council, remove sand or gravel from the foreshore *ex adverso* of any burgh bounded by

the sea, below high-water mark of spring-tide, or within fifty yards above said high-water mark. Any person offending against this section shall be liable to a penalty not exceeding forty shillings for each offence.

Theatres and Places of Public Resort.

80.—Byelaws for Theatres and other Places of Amusement.—Section three hundred and ninety-nine of the principal Act shall be repealed, and in place thereof the following section shall have effect:—

The town council may from time to time make byelaws for the due licensing of theatres and other places of public amusement and of public billiard and bagatelle rooms where such rooms are not in premises licensed as an inn and hotel, and such byelaws may provide for the safety and comfort of the public and for the suppression of riotous or disorderly conduct, and shall specify the days of the week during which the licence-holder shall be entitled to carry on business and the hours of opening and closing, such days and hours not being more restricted than in the case of licensed public-houses within the burgh. Such byelaws may provide that any such licence-holder contravening the same shall be liable to a penalty not exceeding ten pounds, in addition to any other penalty he may incur under the Burgh Police Acts, and shall in other respects be subject to the same conditions and provisions as byelaws made by the town council under the principal Act or any local Police Act, as the case may be. Section four hundred of the principal Act shall be read and construed as if byelaws made under this section were byelaws and as if the rooms in this section mentioned were places referred to therein.

81.—Billiard Rooms, etc. to be Licensed.—Every person who shall, except in premises duly licensed as an inn and hotel, keep or use, or suffer to be kept or used, any building, or part of a building, for the purpose of public billiard or bagatelle playing, or shall keep a public billiard table or bagatelle board, without having obtained a licence under the immediately preceding section, and every person who has obtained such licence who shall not, during the continuance thereof, intimate the possession of such licence by notice, legibly printed in a conspicuous place on or near the door, or on the outside of the building specified in the licence, shall be liable to a penalty not exceeding five pounds, and in the event of such house or building being continued to be kept or used in contravention of this section after conviction to a daily penalty of twenty shillings: Provided always that such licences, for each of which a fee shall be payable, not exceeding five shillings, for each billiard or bagatelle table mentioned therein, shall continue in force in the case of the first licence granted to any person in each case for any period not exceeding one year, and in the case of subsequent licences for a year, unless the same be in the meantime cancelled or suspended by the magistrates: Provided further, that any person aggrieved by the refusal of, or delay for a period of two months in granting, any such licence, may appeal to the sheriff, who may, if he considers that the licence has been unreasonably refused or withheld, grant the same.

82.—Ice-cream Shops, etc. to be Registered.—(1) Every person who shall keep, or suffer to be kept or used, or use any house, building, part of a building, or other premises, as an ice-cream shop or aërated water shop without being registered in a register to be kept by the town council, who are hereby required to keep a register for that purpose, in which they shall enter the names of applicants without charge, shall be liable to a penalty not exceeding five pounds, and, in the event of such premises being continued to be kept or used for such purpose after conviction, to a continuing penalty not exceeding five pounds for every day during which the offence is committed or continued.

(2) Section three hundred and sixteen of the principal Act shall be deemed to confer power on the town council to make byelaws in regard to the hours of opening and closing of premises registered under this section, the hours for business not being more restricted than fifteen hours daily, and the provisions of the principal Act relating to byelaws and the confirmation and enforcement thereof shall apply accordingly.

(3) The town council may at any time authorise the inspection of any house, building, part of a building, or other premises used, or suspected of being used, as an ice-cream shop or aërated water shop, and the occupier, keeper, or other person having charge thereof shall give admission thereto at any time to the medical officer, sanitary inspector, constable, or any other person authorised in writing by the town council, and every occupier or keeper or other person having the charge of such premises who shall not admit such authorised person on exhibition of his authority shall be liable to a penalty not exceeding two pounds.

(4) A reference in this section to the principal Act and section three hundred and sixteen thereof shall, in the case of any burgh named in Schedule II. to the principal Act, be read and construed as a reference to the provisions of the local Act or Acts, conferring power to make byelaws for police purposes and otherwise relating to such byelaws and the confirmation and enforcement thereof.

(5) In this section the expression "ice-cream" shall include any preparation sold under the name of ice-cream or any similar title, whether containing milk or cream, or not.

Supply of Milk from Diseased Cows.

83.—Interpretation of Terms.—In the sections of this Act under the heading "Supply of milk from diseased cows":—

The expressions "dairy," "dairyman," "district," "local authority," and "medical officer" shall respectively have the same meanings as in the Public Health (Scotland) Act, 1897; and the expression "veterinary surgeon" shall mean a member of the Royal College of Veterinary Surgeons approved by the local authority for the purposes of the said sections.

84.—(1) Penalty for selling Milk of Diseased Cows.—Every person who knowingly sells, or suffers to be sold or used for human consumption within the burgh, the milk of any cow which is suffering from tuberculosis of the udder, shall be liable to a penalty not exceeding ten pounds.

(2) Penalty on failing to isolate Diseased Cows.—Any person, the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the burgh, who, after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder, keeps or permits to be kept such cow in any field, shed, or other premises along with other cows in milk, shall be liable to a penalty not exceeding five pounds.

(3) Obligation to notify Cases of Tuberculosis.—Every dairyman who supplies milk within the burgh, and has in his dairy any cow affected with, or suspected of, or exhibiting signs of, tuberculosis of the udder, shall forthwith give written notice of the fact to the medical officers of the burgh and of the district in which such dairy is situated, stating his name and address and the situation of the dairy or premises where the cow is.

Any dairyman failing to give such notice shall be liable to a penalty not exceeding forty shillings.

85.—Power to take Samples of Milk.—It shall be lawful for the medical officer of the burgh or any person provided with, and if required exhibiting, the authority in writing of such medical officer, to take within the burgh for examination samples of milk produced or sold or intended for sale within the burgh.

86.—Power to inspect Cows and Procedure where Tuberculosis due to Milk within the Burgh.—(1) If milk from a dairy situate within the burgh is being sold or suffered to be sold or used within the burgh, the medical officer of the burgh or any person provided with, and if required exhibiting, the authority in writing of the medical officer of the burgh, may, if accompanied by a veterinary surgeon, at all reasonable hours enter the dairy and examine the cows kept therein; and if the medical officer of the burgh or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder, he may require the cow to be milked in his presence, and may take samples of the milk, and the milk from any particular teat shall, if he so requires, be kept separate, and separate samples thereof be furnished.

(2) If the medical officer of the burgh is of opinion that tuberculosis is caused, or

is likely to be caused, to persons residing in the burgh from consumption of the milk supplied from a dairy situate within the burgh, or from any cow kept therein, he shall report thereon to the burgh local authority, and his report shall be accompanied by any report furnished to him by the veterinary surgeon, and the burgh local authority may thereupon serve on the dairyman notice to appear before them within such time, not less than twenty-four hours, as may be specified in the notice, to show cause why an order should not be made requiring him not to supply any milk from such dairy within the burgh until the order has been withdrawn.

(3) If, in their opinion, the dairyman, being a dairyman whose dairy is situated within the burgh, fails to show cause why such an order may not be made as aforesaid, the burgh local authority may make the said order, and shall forthwith serve notice of the facts on the Local Government Board for Scotland.

(4) The said order shall be forthwith withdrawn on the burgh local authority or their medical officer being satisfied that the milk supply has been changed, or that it is not likely to cause tuberculosis to persons residing in the burgh.

87.—Procedure when Milk supplied from outside the Burgh.—(1) If the medical officer of the burgh has reason to believe that milk from any dairy situate outside the burgh from which milk is being sold, or suffered to be sold or used, within the burgh is likely to cause tuberculosis to persons residing within the burgh, the medical officer of the burgh shall forthwith intimate the same to the medical officer of the local authority of the district in which such dairy is situate, and the medical officer of such local authority or some person provided with and, if required, exhibiting his authority in writing accompanied by a veterinary surgeon shall be bound forthwith to examine the cows therein, and if the medical officer of such local authority, or person authorised by him as aforesaid, has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder, he may require the cow to be milked in his presence, and may take samples of the milk, and the milk from any particular teat shall, if he so requires, be kept separate, and separate samples thereof be furnished, previous notice of the time of such examination having been given to the burgh local authority in order that the medical officer of the burgh, or a veterinary surgeon, may, if they so desire, be present at the examination, and the medical officer of the local authority of such district shall forthwith report the results of the examination, accompanied by the report of the veterinary surgeon (if any), to that local authority, or any committee of that local authority, appointed under section fourteen of the Public Health (Scotland) Act, 1897, and shall also furnish a copy of such report to the burgh local authority.

(2) The local authority of such district or any committee of the local authority appointed as aforesaid shall, unless the medical officers of the district and the burgh are both satisfied that there is at the dairy no cow suffering from tuberculosis of the udder, meet forthwith and consider the report or reports together with any other evidence that may be submitted by the parties concerned, previous notice of not less than twenty-four hours of their meeting and of the purpose thereof having been given to the dairyman and to the burgh local authority, and shall either make an order requiring the dairyman not to supply any milk from such dairy until the order has been withdrawn or resolve that no such order is necessary, and in the event of their making an order shall forthwith serve notice of the facts on the Local Government Board for Scotland and on the burgh local authority.

(3) Where proceedings are taken or any order is made or refused to be made under this section by the local authority of a district other than a burgh it shall not be competent to appeal against the said proceedings or against the said order to the county council.

(4) The local authority may require the dairyman not to supply milk either within or without the district, and shall give notice of the fact to the local authority of any district within which they believe milk to be supplied from such dairy.

(5) Any such order shall be forthwith withdrawn on the local authority or their medical officer on their behalf being satisfied that the milk from the dairy is no longer likely to cause tuberculosis to persons, but notice shall be given to the burgh local authority of any proposal to withdraw the order, and an opportunity given to them of being heard and submitting evidence before the order is withdrawn.

88.—Penalties.—(1) If any person, after an order under either of the two preceding sections has been made, supplies any milk or sells it for consumption, in contravention of the order, he shall be liable to a penalty not exceeding five pounds, and, if the offence continues, to a further penalty not exceeding forty shillings for every day during which the offence continues.

(2) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under either of the two preceding sections.

(3) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer, person, or veterinary surgeon for all or any of the purposes of the two preceding sections, and any person refusing such assistance or obstructing such medical officer, person, or veterinary surgeon in carrying out the purposes of such sections shall be liable to a penalty not exceeding five pounds.

(4) It shall be open to the local authority, or any dairyman aggrieved by any resolution or order, or withdrawal of order, under either of the two preceding sections to appeal in a summary manner to a sheriff having jurisdiction in the district in which the dairy is situate, and the sheriff may either make an order requiring the dairyman to cease from supplying or selling milk, or may vary or rescind or continue any order which has been made, and he may at any time withdraw any order made under either of the two preceding sections. Pending the disposal of any such appeal the order shall remain in force.

89.—Compensation where Order made without Due Cause.—If an order is made without due cause, or if the local authority unreasonably refuse to withdraw the order, the dairyman shall, if not himself in default, be entitled to recover from the local authority making the order full compensation for any damage which he has sustained by reason of the making of the order, or of the refusal of the local authority to withdraw the order, and the sheriff may determine and state whether an order the subject of appeal has been made without due cause, whether the local authority have unreasonably refused to withdraw the order, and whether the dairyman has been in fault.

90.—Expenses, how to be Charged.—All expenses incurred by the local authority in pursuance of any section of this Act under the heading "Supply of milk from diseased cows," shall be chargeable on the public health general assessment leviable under the Public Health (Scotland) Act, 1897, and the local authority may also charge on the same rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is, or was recently, being supplied within the district: Provided that no such test shall be applied except with the previous consent of the owner of such cow.

91.—Notice to be Given.—The town council shall cause to be given public notice of the effect of the provisions of this Act relating to supply of milk from diseased cows by advertisement in a newspaper circulating in the burgh, and by handbills, and otherwise in such manner as they think sufficient, and the said provisions shall come into operation at such time, not being less than one month after the first publication of such advertisement as aforesaid, as the town council may fix.

92.—Mode of recovering Penalties.—Penalties imposed by any section of this Act under the heading "Supply of milk from diseased cows" shall be recoverable in any court having summary jurisdiction where the dairy in question is situated, at the instance of the local authority or of any public prosecutor in such court.

Byelaws.

93.—Power to make Byelaws.—The town council may from time to time make byelaws and repeal, alter, or amend any byelaws so made for any of the purposes after-mentioned, viz.:—

(1) The drainage of the subsoil of sites for, and the prevention of dampness in, buildings intended for human use or habitation;

(2) The strength and stability of the walls, joisting, and principal timber and iron work of buildings:
(3) The structure and form of walls, foundations, floors, hearths, staircases, stairs, stair-railings, passages, roofs, and chimneys of buildings:
(4) Projections over streets, ornaments upon buildings overhanging the walls of such buildings, recesses in walls and openings in party and cross walls:
(5) The erection, stability, maintenance, inspection, and removal of scaffolding, cranes, barricades, hoardings, platforms, and balconies, and the dimensions, position, and use of the same:
(6) The regulation, control, and use of advertising hoardings and similar structures exceeding twelve feet in height:
(7) The erection of walls or other fences forming divisions between courts, back-courts, and areas:
(8) Provision against the risk of fire in buildings and for means of escape from fire:
(9) The ventilation of and admission of light to buildings:
(10) The construction and arrangement of the drainage of buildings and of soil pipes and waste pipes, and the construction and position of water-closets, earth-closets, privies, ashpits, cesspools, dungsteads, slop sinks, and rain-water pipes and rhones:
(11) The level, construction, causewaying, and paving of streets and of the foot-ways thereof, and provision for drainage of surface water therefrom, and the provision of lanes or other secondary means of access, where necessary for the purpose of removing refuse:
(12) The protection of trees, shrubbery, or ornamental or pleasure grounds in or adjacent to streets:
(13) The due inspection of buildings in course of erection or structural alteration, the examination of the drains thereof, and the pulling down, alteration, or amendment of any work which has been carried out in contravention of lawful requirements and which the town council are entitled to pull down, alter, or amend.

All such byelaws shall be enforceable by such penalties as may be prescribed therein, not exceeding five pounds for each contravention, and in other respects shall be subject to the same conditions and provisions as byelaws made by the town council under the principal Act, or any local Building or Police Act, as the case may be.

The said byelaws shall be consistent with the law of Scotland and with any provisions as to the above matters contained in the Burgh Police Acts (or local Building or Police Act, as the case may be), the Public Health (Scotland) Act, 1897, or any other public general Act, but may alter or supplement any of the building rules contained in Schedule IV. of the principal Act.

Part III.—(Miscellaneous and Supplemental.)

94.—Amendment of Local Government (Scotland) Act, 1894.—Subsection seven of section nineteen of the Local Government (Scotland) Act, 1894, shall be amended by the insertion after the word "burghal" therein of the words "or comprising a police burgh or part of a police burgh," and the said section shall be read and construed as hereby amended.

95.—Requisition for and Payment of Cost of Policing Burghs.—In order to remove doubts which have arisen as to the method of recovery of the cost of policing royal and parliamentary burghs, which are policed by the county, it is hereby provided that the county council annually, and not later than the month of October in each year, shall cause a requisition to be sent to the town council of any royal or parliamentary burgh so policed, requiring them to pay the cost of such policing; such cost to be ascertained in terms of the Local Government (Scotland) Act, 1889, and the principal Act, or in the case of a burgh being a police district formed under the Police

(Scotland) Act, 1857, in the manner provided by that Act as read with the said Acts; and the town council shall, on or before the first day of January next ensuing, pay to the county council the sum so requisitioned for without any deduction whatever.

96.—Adjustment with County in Case of New Burghs or Extension of Boundaries.—On the formation of any new burgh or extension of the boundaries of any existing burgh, section fifty of the Local Government (Scotland) Act, 1889, relating to the adjustment of property and liabilities consequential on an alteration of boundaries, shall apply as if in lieu of that Act, and the Boundary Commissioners, the Burgh Police Acts, and the sheriff (not being a sheriff-substitute) were respectively mentioned therein: Provided that nothing herein contained shall require the sheriff to entertain any application made after the expiry of one year from the date when such formation or extension takes effect.

97.—County Council may Adopt Certain Sections of Act.—A county council may, at a meeting called after due notice, by resolution adopt the sections of this Act whereof the marginal notes are respectively "Manufacture and sale of ice-cream" and "Ice cream shops, etc. to be registered," or either of such sections, and after a date to be specified in the resolution, the adopted section or sections shall have effect throughout the county, with the substitution of "county" for "burgh," of "county council" for "town council," and of the Local Government (Scotland) Act, 1889, and section fifty-seven thereof for the principal Act and section three hundred and sixteen thereof.

In this section the expression "county" shall mean a county excluding any burgh or police burgh situate therein.

98.—Parts I. and II., How to Apply.—(1) Part I. of this Act shall, subject as hereinafter provided, apply to every burgh to which the principal Act is applicable.

(2) Part II. of this Act shall apply to any such burgh only if and so far as the town council shall resolve, by special order as defined in the principal Act, to adopt Part II. of this Act, in whole or part, and a town council may by such resolution adopt any section or sections of Part II. Any such resolution by special order shall be intimated to the Secretary for Scotland and published in the Edinburgh Gazette, and shall come into force after such intimation and publication upon a date to be named in the resolution.

(3) Parts I. and II. of this Act shall apply to any burgh named in Schedule II. of the principal Act, only to the extent to which sections of such Parts, or either of them, may be adopted by the town council of such burgh in the manner and to the effect provided by section fifteen of the principal Act: Provided that in so far as the principal Act has at the commencement of this Act been already adopted by any of the said burghs, or in terms of the Local Government (Scotland) Act, 1894, by a county council or a district committee, no amendment made in the principal Act by this Act shall apply to the portions so adopted unless the town or county council or district committee shall resolve to adopt such amendment.

(4) Provided always that a town council adopting any of the provisions of the Burgh Police Acts referred to in the section of this Act whereof the marginal note is "Power to relax certain statutory rules," shall also adopt that section, and a town council adopting any section of this Act under the heading "Register of streets," "Hollow squares," or "Supply of milk from diseased cows," shall adopt the whole of the sections under such heading.

(5) After the adoption of any provisions of this Act, the provisions adopted shall prevail over the corresponding provisions (if any) in any local Act applying to the burgh.

(6) Without prejudice to any special powers conferred by Act of Parliament upon the trustees of the Clyde Navigation, the provisions of this Act shall not, except with respect to streets, sewers, drains, and sanitary provisions, apply to the harbour, docks, or wharves of the said trustees, or to buildings connected with such harbour, docks, or wharves other than buildings used for the purpose of human habitation so far as they are so used.

"Streets" in this subsection shall not include any road forming part of any harbour, dock, or wharf of the said trustees, or any road formed or laid out by the said trustees and used as an approach to such harbour or dock, or to land used for Clyde navigation purposes and wholly maintained by said trustees, or any private

street or road the lands abutting on which and having right of access thereto belong wholly to the said trustees.

(7) Nothing in this Act contained shall affect or prejudice the provisions of any Act relating to the harbour and docks of Leith, Aberdeen, Dundee, or Greenock.

(8) Nothing in this Act contained shall alter, prejudice, or affect the constitution, rights, powers, or privileges, or limit the jurisdiction of the dean of guild courts of Edinburgh, Glasgow, and Dundee, or confer on or enable the town council of any of said burghs to exercise any power or jurisdiction vested in the dean of guild court thereof at the commencement of this Act, or any power in relation to or affecting the said court or the jurisdiction thereof not then possessed by the town council.

(9) Sections twenty-three to forty-three, inclusive, sections sixty-two to seventy-five, inclusive, and subdivision (*l*) of subsection two of section one hundred and four of this Act shall not apply to the railways or stations of any railway company or buildings connected therewith other than dwelling-houses.

99.—Saving of Local Acts by Special Order.—Notwithstanding anything in this Act contained, it shall be in the power of the town council of any burgh to which a local Act applies, by special order as defined in the principal Act, to resolve at any time after the passing and before the commencement of this Act, that any sections or subsections of Part I. of this Act specified in such special order shall not be applicable to such burgh, and that in lieu thereof the corresponding sections or subsections of such local Act (which sections or subsections shall be specified in the resolution) shall remain in force within the burgh, but, saving as aforesaid, the provisions of Part I. of this Act shall prevail over the corresponding provisions of any such local Act. Any such resolution by special order shall be forthwith intimated to the Secretary for Scotland and published in the Edinburgh Gazette, and shall come into force at the date of the commencement of this Act.

100.—Exemption of Crown Property.—Without prejudice to any existing right of His Majesty, there shall be exempted from the provisions of the principal Act and this Act every building, structure, or work vested in or in the occupation of His Majesty either beneficially or as part of the hereditary revenues of the Crown, or in trust for the public service or for public services, also any building, structure, or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service.

101.—Burgh of Coatbridge.—In every Act passed after the commencement of this Act unless the contrary intention appears, a reference to a royal burgh shall be deemed to include a reference to the burgh of Coatbridge.

102.—Commencement of Act.—This Act shall, except as otherwise provided, commence on the fifteenth day of May one thousand nine hundred and four.

103.—Definitions.—Expressions used in this Act shall, unless there be something in the subject or context repugnant to such construction, have the same meaning as in the principal Act: Provided that, unless there be something in the subject or context repugnant to such construction, the expression—

(1) "Building" shall, in the principal Act and this Act, include any structure or erection of what kind or nature soever, whether temporary or permanent, and every part thereof, but shall not include the hoardings mentioned in section one hundred and eighty-seven of the principal Act, or any hoarding or similar structure to be used only for advertising purposes not exceeding twelve feet in height:

(2) "Lane" shall, in the principal Act and this Act, mean any street of fifteen feet or under in width which is used wholly or mainly for access to stables or other buildings not abutting upon a street of greater width, or as a back access to dwelling-houses or other buildings facing a street of greater width:

(3) "Part of a street" shall, in the principal Act and this Act, mean any area within a street, whether including the whole length or width of the street or not:

(4) "Public building" shall, in the principal Act and this Act, mean a building used or constructed, adapted, or altered to be used as a church, chapel, or other place of public worship, or as a school, college, or place of instruction (not being merely a dwelling-house so used), or as a hospital, poor-house,

public theatre, public music-hall, public hall, public concert-room, public ball-room, public lecture-room, public library, or public exhibition-room, or as a public place of assembly, or a building used or constructed or adapted to be used for any other public purpose, and shall include a building used or constructed or adapted to be used as a hotel, lodging-house, home, refuge, or shelter where such building contains space extending to more than two hundred and fifty thousand cubic feet, or has sleeping accommodation for more than one hundred persons:

(5) "Public street" shall, in the principal Act and this Act, mean (1) any street which has been or shall at any time hereafter be taken over as a public street under any general or local Police Act by the town council or commissioners; (2) any highway within the meaning of the Roads and Bridges (Scotland) Act, 1878, vested in the town council; (3) any road or street which has in any other way become or shall at any time hereafter become vested in or maintainable by the town council; and (4) any street entered as a public street in the register of streets made up under this Act:

(6) "Private street" shall in the principal Act and in this Act mean any street other than a public street:

(7) "Drain" shall, in sections two hundred and forty-one to two hundred and forty-five inclusive, of the principal Act, include all soil pipes and all other pipes, traps, and apparatus used for, or in connection with, the removal of sewage or waste water:

(8) "Burgh Police Acts" shall, in this Act, mean the Burgh Police (Scotland) Acts, 1892 to 1903, and a reference in this Act to the said Acts or to the principal Act shall be deemed to include a reference to any Act explaining or amending the same:

(9) "Centre line," as applied to any street, shall, in this Act, mean the actual or approximate centre line as sanctioned by the dean of guild court or town council, or specified in the register of streets:

(10) "Dean of guild court" shall, in this Act, as regards burghs where there is no dean of guild court, mean the town council:

(11) "Existing" shall, in this Act, mean existing either at the commencement of this Act, or at the date when the provision of this Act in which the expression occurs comes into force upon adoption in a burgh, as the case may be:

(12) "Guild offence" shall, in this Act, mean and include any act or omission, to which a penalty is attached by this or any other Act or any byelaw made thereunder, connected with—

(*a*) The laying out, forming and constructing, occupying for building purposes, or altering, closing, or breaking up any street or part of a street;

(*b*) The erecting, taking down, altering, adding to, re-erecting, or repairing any building;

(*c*) The form, construction, sanitary requirements, or maintenance of any building;

(*d*) The area for lighting and ventilation to be provided for any building;

(*e*) The occupation as sleeping apartments of any part of a building;

(*f*) The erecting, taking down, altering, adding to, lighting, fencing, or using any hoarding, staging, scaffolding, barricade, platform, balcony, crane, or sky-sign;

(*g*) The fencing of any ground;

(*h*) Projections against or in front of or ornaments upon any building;

(*i*) Excavations in any street;

(*j*) The construction or maintenance of sewers, branch drains, soil pipes, water-closets, earth-closets, privies, ashpits, cesspools, and dung-steads, and provision for the removal of roof and surface water;

(*k*) The building rules enacted by the principal Act;

(*l*) The submission of any plans to the town council, dean of guild court, or burgh surveyor;

(*m*) Any order issued by the dean of guild court, the town council acting as a dean of guild court or otherwise, or the burgh surveyor, in relation to the laying out, formation, or alteration of streets, or construction or alteration of buildings:

(13) "Register of streets" shall, in this Act, mean the register of streets therein provided for.

104.—Portions of Principal Act Repealed or Amended.—(1) The sections or portions of sections of the principal Act specified in the first column of the Schedule to this Act are hereby repealed, and the sections of the principal Act specified in the second column of the said Schedule are hereby amended to the extent therein specified.

(2) In addition to the scheduled amendments, the principal Act shall be amended or extended in the following particulars:—

(*a*) Every alteration of the boundary of a burgh under section eleven or section twelve of the principal Act shall be forthwith intimated by the town clerk to the Secretary for Scotland:

(*b*) Section one hundred and ten shall extend to lavatories, waiting-rooms, and other similar accommodation, and any constructions under said section may be in whole or part below the street level:

(*c*) Carriage Way and Footways of Public Streets to be under Control of Council.—For section one hundred and twenty-eight shall be substituted the following section:—

"Subject to the provisions of the Roads and Streets in Police Burghs (Scotland) Act, 1891, and of the Burgh Police Acts the town council shall have the sole charge and control of the carriage way of all the public streets within the burgh and the footways thereof, and also of all public footpaths, and all such public streets, footways, and footpaths are, for the purposes of the said Acts and of such charge and control, hereby vested in the town council accordingly."

(*d*) Private Streets not properly Formed.—For section one hundred and thirty-three shall be substituted the following section:—

"Where any private street or part of such street has not, together with the footways thereof, been sufficiently levelled, paved, causewayed, or macadamised and flagged to the satisfaction of the council, it shall be lawful for the council to cause any such street or part thereof, and the footways, to be freed from obstructions, and to be properly levelled, paved, causewayed, or macadamised, and flagged, and channelled in such way and with such materials as to them shall seem most expedient, and completed with fences, posts, crossings, kerbstones, and gutters, and street gratings or gullies and drains for carrying off the surface water, and thereafter to be maintained, all to the satisfaction of the council."

(*e*) For section one hundred and thirty-four shall be substituted the following section:—

Private Streets may be Declared Vested in Council.—"If any private street or part thereof, together with the footways thereof, shall at any time be made, paved, causewayed, or macadamised and flagged, and otherwise completed as aforesaid and put in good order and condition, to the satisfaction of the council, then, and on application of any one or more of the owners of premises fronting or abutting upon such street or part thereof, or of the superior or owner of the ground on which such street or part thereof has been formed, it shall be lawful for the council to declare, and if such street or part thereof has been paved and put in good order and condition as hereinbefore mentioned, and if the owners of one-half or more of the frontage of such street or part concur in the application, the council shall declare the same to be vested in the council, and it shall be thenceforward vested in and maintained by the council."

(*f*) For section one hundred and thirty-eight shall be substituted the following section:—

In Certain Cases Proportion of Expenses to be Fixed by Council.—"Where one or more private streets, or parts thereof serve for or lead to various premises (whether abutting on such street or streets or any part thereof or not) adjoining the same, or where, in any other circumstances, in the judgment of the council, the payment of the costs, charges, and expenses as aforesaid should not be regulated in proportion to the frontage as above provided, the council shall fix and determine the premises (whether abutting on such street or streets or any part thereof or not), the owners of which shall be liable for such costs, charges, and expenses, and the proportions leviable from each owner, as they shall consider, under all the circumstances of the case, to be just, and their determination shall be final, and the whole of such costs, charges, and expenses shall be paid by such owners and shall be recoverable as private improvement expenses."

(*g*) The powers to acquire lands and premises conferred on a town council under section one hundred and fifty-four shall extend to the purpose of extending, altering, or rebuilding any existing bridge, and any expenditure incurred under the said section for the said purpose, or for the purpose of widening any street, shall be charged either against the assessment therein mentioned or against the assessment imposed for the purposes of the Roads and Bridges (Scotland) Act, 1878, or be divided between such assessments either in equal shares or otherwise, all as the town council may determine, and the cost of any operations under the section may be defrayed from money borrowed upon the security of the said rate or rates:

(*h*) Section one hundred and fifty-eight (relating to the setting back of houses or buildings) shall extend to every case where any new house or building is proposed to be erected:

(*i*) Section one hundred and sixty-six (relating to the lodging of plans and petitions with the town clerk) shall extend to every person who proposes to alter, add to, or take down, in whole or part, or to re-erect or restore after destruction by fire or otherwise, the structure of any house or building, or to make any excavation in connection with such operations or with any operation mentioned in the said section, and a copy of every petition presented under the section shall be served upon the master of works or surveyor of the burgh for the public interest, and also upon the immediately conterminous proprietors, and on such other persons as the town council may direct:

(*k*) The town council shall, before giving their decision upon any petition lodged under section one hundred and sixty-six, give parties interested an opportunity of being heard and of leading evidence, and in dealing with such petition the town council shall have the same powers and jurisdiction and the procedure shall be the same as is provided by the principal Act and this Act with regard to any dean of guild court to be established thereunder:

(*l*) For section one hundred and sixty-eight shall be substituted the following section:—

Regulating Existing Buildings for Places of Public Meetings, etc.—"The council shall cause every existing building used or proposed to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, to be inspected, and shall, after hearing the persons interested, direct such means to be taken for providing proper means of access to and exit from such buildings, and for protection from fire and other dangers to the public, as to the council shall seem fit. Any person who refuses access to the council or anyone appointed by them to any such building, shall be liable to a penalty not exceeding five pounds for each day during which such refusal continues, and any owner who fails to provide the means directed by the council within the period specified by them shall be liable to a penalty not exceeding twenty pounds for each day after the expiry of such period on which the building is used as aforesaid."

The dean of guild court on the application of the council may interdict, prevent, and stop the use of any such building unless and until the means directed by the council as aforesaid have been provided:

Provided that in any case where any such order or interdict has been granted and an appeal taken, such order or interdict shall not be operative until the whole cause has been decided on the merits by the Court of Session, and the Court of Session shall have power in any case where they may think proper to ordain the appellant to find caution as a condition of being allowed to insist on the appeal.

(*m*) In burghs where there is a dean of guild court, all applications under section one hundred and eighty-seven (relating to hoardings, fences, and platforms to be set up during building operations) shall be made to such court, and the said court shall have power to grant the necessary authority, give directions for the removal of fences, hoardings, and platforms, and fix the charge for the occupation of ground in the said section referred to:

(*n*) For section two hundred and thirty-eight shall be substituted the following section:—

COUNCIL MAY CONSTRUCT DRAINS FROM HOUSES, CHARGING OWNERS, ETC. WITH THE EXPENSE.—"If any house or building and its pertinents be at any time not drained by a sufficient drain or pipe communicating with some sewer or with the sea, to the satisfaction of the council, and if there shall be such means of drainage within one hundred yards of any part of such house or building, the council may require the owner of such house or building to construct or lay therefrom a covered branch drain or pipe of such materials, of such size, at such level, and with such fall as they think necessary for the drainage of such house or building, its areas, water-closets, and offices:

"If there shall be no such means of drainage within such distance, the town council may require the owner to construct or lay from such house or building a covered branch drain or pipe as aforesaid, and lead the same into a covered cesspool or other place to be constructed by such owner, and such drain or pipe and cesspool shall be subject to the conditions as to construction and repair specified in section two hundred and thirty-nine:

"The town council may charge and recover from the owner of any branch drain a sum not exceeding ten shillings for the supervision of each connection thereof with any sewer vested in them:

"If any owner fail to commence the construction and laying of any drain or pipe, or the construction of any cesspool or other place required under this section within three weeks from the date of requisition, or to complete the same within six weeks of that date, or within such longer periods as the council may in their requisition determine, the council may themselves construct and lay, construct, or complete the same:

"All expenses incurred by the council under this clause shall be recoverable from the owner of such house or building as private improvement expenses":

(*o*) For section two hundred and thirty-nine shall be substituted the following section:—

NO HOUSE TO BE HEREAFTER BUILT WITHOUT DRAINS BEING CONSTRUCTED.—"No house or building shall be built upon a lower level than will allow the drainage of the wash and refuse thereof to fall into some sewer belonging to the council, either then existing or marked out upon the map herein directed to be made by them; and if there be such means of drainage existing within one hundred yards of such intended house or building, the council may require the owner of such house or building to cause a branch drain leading thereunto from the intended site of such house or building to be made of such materials, of such size, at such level, and with such fall as they think

fit; or if there be no such means of drainage within one hundred yards of any part of the said intended site of such house or building, then such drain shall be made so as to lead into such covered cesspool or other place as the council direct, not being under any dwelling-house or other occupied building, and shall be constructed and kept in complete repair to the satisfaction of the council, so as effectually to prevent any leakage or effluvium therefrom until such sewer as aforesaid is made by the council, when they shall make a drain to communicate with such new made sewer, and shall demolish and fill up any such cesspool, and if any owner fails to commence the construction or repair of such branch drain, and where necessary of such cesspool, or other place within three weeks from the date of such requisition, or to complete the same within six weeks of that date, or within such longer periods as the council may in their requisition determine, the council may themselves construct or repair or complete the construction or repair of such branch drain, and where necessary of such cesspool or other place. All expenses incurred by the council under this section shall be recoverable from the owner of such house or building as private improvement expenses:

"No cesspool shall be constructed within one hundred feet of any dwelling-house, or within two hundred feet of any well or spring of water, without the consent in writing of the town council":

(*p*) Section two hundred and forty-six (relating to the provision of water-closets) shall be amended by the addition at the end thereof of the following words: "and in such case the council may subject to the aforesaid conditions require a sufficient earth-closet to be provided":

(*q*) Section three hundred and seven (relating to lands and grounds for public recreation) shall be amended by the addition at the end thereof of the following words: "Provided that the expression 'pleasure ground' in the last-mentioned Act shall be deemed to include an open space for rest or recreation":

(*r*) The words occurring in section three hundred and fifteen "for a period not exceeding twenty years," limiting the period during which the general improvement assessment may be applied for the erection of a public hall and other purposes, shall be repealed, and any expenditure incurred under the said section which the council may resolve not to defray from the general improvement assessment shall be defrayed from the burgh general assessment:

(*s*) Section three hundred and thirty-nine providing an appeal from proceedings of a town council shall be amended by the addition at the end thereof of the following words: "except as after mentioned: Provided that any party dissatisfied with the judgment of the sheriff, as erroneous in point of law, may appeal thereagainst to the Court of Session in terms and subject to the provisions of the Summary Prosecutions Appeals (Scotland) Act, 1875, provided that the limit of time for such appeal shall be six days instead of three days, as provided by the last-cited Act":

Without prejudice to the general construction of this Act as one Act with the principal Act, it is hereby expressly provided that any order, resolution, deliverance, or act of a town council (whether acting as such or performing the functions of a dean of guild court), made or done under any of the provisions of this Act, whether originally applicable to such town council, or adopted by them, shall be deemed to be an order, resolution, deliverance, or act within the meaning of section three hundred and thirty-nine of the principal Act, and that section shall apply accordingly.

(*t*) In section three hundred and sixty (relating to the cost of the maintenance and repair of foot pavements) the words "shall be defrayed from any rate applicable to the maintenance of highways or streets" shall be substituted for the words "shall form part of the burgh general assessment, and such assessment shall be recoverable in the same manner as the burgh general assessment is authorised to be recovered":

(*u*) Section three hundred and sixty-five shall be amended by the addition, at the end thereof, of the following words:—

Where different portions of said premises belong to two or more separate owners, the said expenses shall (without prejudice to any mutual rights of relief they may have under their title deeds or otherwise) be charged on such owners in proportion to the rental or valuation of their respective interests as appearing from the valuation roll. The town council shall be entitled to charge as part of any expenses referred to in this section the interest accrued on temporary loans for defraying the same, and a reasonable sum in respect of the designing, measuring, contracting for, and superintending the work:

(*v*) The words "three weeks" shall be substituted for the words "six weeks" occurring in section three hundred and seventy-four and determining the period of public notification of the intention of a council to borrow money.

(*w*) For section three hundred and seventy-six shall be substituted the following section:—

"As to Bonds to be Granted.—All bonds for moneys to be borrowed as aforesaid may be in the form and tenor following, videlicet,—

"Number [*here state the number*].

"By virtue of the [*cite the Act under which the money is borrowed*], we, the provost, magistrates, and councillors of the burgh of [*insert name*], in consideration of the sum of [*insert the sum in words*], instantly advanced and paid to us for the purposes of the said Act, by *C. D.* of *E.*, do hereby bind and oblige the said burgh, out of the first and readiest of the moneys to be raised under the annual assessments by the said Act authorised to be imposed and levied, and designated the assessment [or rate *as the case may be*], to pay at the term of [*insert term of payment*] to the said *C. D.*, his executors or assignees, the said sum of [*state the sum*], and also the interest thereof at the rate of [*insert the rate of interest*] per centum per annum from the date hereof, at the terms of Whitsunday and Martinmas in each year, till the said sum is paid; and for the further security of the said *C. D.*, we do hereby assign to him, his executors or assignees, such proportion of the said moneys to be raised under the said annual assessment [or rate] as shall be equivalent to the said sum now paid to us, and the interest thereon as aforesaid from the date hereof to the term of payment; and we consent to the registration hereof for preservation and execution.—In witness whereof [*insert testing clause*].

"And till repayment such bonds respectively shall form a lien on the rates and assessments assigned by such bond, and shall entitle the creditor under the same to recover the contents thereof from the council and their officers out of the first and readiest of such rates and assessments."

Bonds for moneys to be borrowed by a town council under any Act in which no other form of bond is prescribed may be in the form and tenor provided by section three hundred and seventy-six, and all bonds to which the said section is applicable shall be granted and signed in terms of section nine of the Town Councils (Scotland) Act, 1900.

(*x*) For subsection fifty-three of section three hundred and eighty-one providing penalties for police offences shall be substituted the following subsection:—

"(53) Stands, sits, loiters, or lies to the obstruction or annoyance of the residents or passengers on the footway or street, or any close, stair, entry, or doorway."

(*y*) After subsection fifty-three of the last-mentioned section the following subsections shall be inserted:—

"(54) Causes any tree, timber, beam, girder, stone, or other heavy article to be drawn or hauled otherwise than upon a wheeled vehicle."

"(55) Throws or lays down glass, pottery, nails, wire, thorns, or other articles having sharp edges or points."

(3) The sections and parts of sections and words for which substitutions are provided by this section are hereby repealed.

SCHEDULE to which this Act refers (s. 104).

Portions of the Burgh Police (Scotland) Act, 1892, Repealed or Amended.

Column No. I. Sections repealed, and extent of repeal.		Column No. II. Sections amended, and extent of amendment.	
Sec. 4	The whole of subsection (3).		
Sec. 4	Subsection (7)—after the word "absence" to the end of the subsection.	Sec. 4	Subsection (7)—insert after "absence" the words "the acting Chief Magistrate."
Sec. 4	Subsection (8)—the words "under the provisions of this Act."		
Sec. 4	Subsection (14)—the words "under the Municipal Elections Amendment (Scotland) Act, 1881."		
		Sec. 11	After the words "other burgh" insert "unless with consent of the town council of such other burgh expressed after resolution by special order."
		Sec. 15	Last paragraph after the word "burgh" insert "and shall have effect as if they were provisions of and enacted in the Local Police Acts, and such Acts and references therein shall be construed accordingly."
Sec. 55	Subsection (5)—the words from and including "The titles" to the end of the subsection.		
Sec. 56	The whole section.		
Sec. 58	After the word "authorised" to the end of the section.		
Sec. 77	Subsection (3)—from the beginning to "Acts."		
Sec. 105	The words "common courts" where they occur together. The words "as they may consider to be insufficiently lighted."	Sec. 105	Insert instead of the words "common courts" the words "common stairs."
		Sec. 117	After "common passages" insert "and walls and roofs of closes and walls of open courts."
		Sec. 129	Insert the word "public" before "streets" wherever it occurs.
Sec. 129	The words "other than private streets."	Sec. 129	Insert instead of the words repealed "with the exception of the footways and kerbs thereof."
		Sec. 135	After the word "gullies" insert "and drains."
Sec. 136	The whole section.		
		Sec. 137	After the word "gullies" insert "and drains for carrying off the surface water."
		Sec. 137	After the words "each street" insert "or each part of a street dealt with, in proportion to the length of their frontage or abutment."
Sec. 146	The whole section.		
Sec. 147	The whole section.		
Sec. 148	The whole section.		
Sec. 149	The words "such streets."	Sec. 149	Insert instead of the words repealed the words "new street."
Sec. 150	The words "granting such application."	Sec. 150	Insert instead of the words repealed the words "such agreement."
Sec. 153	The whole section.		

Column No. I. Sections repealed, and extent of repeal.		Column No. II. Sections amended, and extent of amendment.	
Sec. 164	The words "for the latter purpose," and the word "such" where fourth occurring.	Sec. 164	Insert, instead of the words first repealed, "the owner of every land or heritage shall prevent any surface water therefrom from flowing over and upon any street; and so far as may be necessary for the said purposes."
Sec. 169	The whole section.		
Sec. 200	The words "such requisition not being complied with."	Sec. 200	Insert, instead of the words repealed, "the owner failing to commence any operations ordered within one month of the date of the said notice, or of his thereafter failing to proceed with the said operations continuously, and complete them within the period specified therein."
Sec. 278	The words "and they may also license such slaughter-houses as they may from time to time think proper for slaughtering cattle within the burgh."	Sec. 278	Instead of the words repealed, insert "Provided that any town council which is refused by a local authority a licence under section thirty-three of the Public Health (Scotland) Act, 1897, for premises for a slaughter-house without the burgh may appeal to the Local Government Board for Scotland against such refusal, and the decision of the Board shall be final."
Sec. 279	The whole section.		
		Sec. 280	After the word "licensed" insert "under the Public Health (Scotland) Act, 1897."
Sec. 281	The word "licensing."		
		Sec. 282	After the word "granted" where first occurring insert "under the Public Health (Scotland) Act, 1897."
Sec. 282	The words "from and whenever" to end of section.		
		Sec. 284	After the word "sum" insert "having regard to the cost of construction, maintenance, and working thereof." At end of section "or is provided by a local authority other than a town council, and in such last-mentioned case notice of the proposal to provide a slaughter-house shall be given by such local authority to the town council of the burgh, and the town council may within one month after receipt of such notice appeal to the Local Government Board for Scotland against such proposal, and the decision of the Board shall be final."
Sec. 285	The words "for the slaughtering of horses or as a place of deposit for the carcases of the animals."	Sec. 285	Instead of the words repealed, insert "as a place of deposit for the carcases of horses."
		Sec. 296	Insert at beginning of section—"When requested by the council to do so, or on receipt of a special written report by the firemaster that suspicion of wilful fire-raising exists."
		Sec. 316	Subsection A (3)—after the word "gymnasiums" insert "libraries and reading-rooms not under the Public Libraries (Scotland) Acts, 1887 and 1894."
Sec. 316B, sub-sec. 8	The words from "and also" to end of subsection.		
Sec. 365	The words "the said expenses."	Sec. 365	Instead of the words repealed, insert "the expenses thereby incurred by them."
		Sec. 381	Subsection (13)—at end add "or footbridge."
Sec. 429	The whole section.		
Sch. IV.	The last paragraph of Rule 18.		

CHAPTER XXXIV.

Town Councils (Scotland) Act, 1903 (s. 1).

An Act to amend the Town Councils (Scotland) Act, 1900. [14*th August* 1903.]

Whereas it is expedient to amend the Town Councils (Scotland) Act, 1900:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Short Title and Extent.—This Act may be cited as the Town Councils (Scotland) Act, 1903; and this Act and the Town Councils (Scotland) Act, 1900 (hereinafter called the principal Act), may be cited together as the Town Councils (Scotland) Acts, 1900 and 1903. This Act shall apply to Scotland only.

2.—Entry of Certain Electors in Supplementary List.—All persons who, in respect of the ownership or occupancy of premises within the municipal boundary of any burgh not returning or contributing to return a member or members to Parliament, possess the necessary qualification for voting in the election of a member of Parliament, but whose names are entered in the parliamentary register of the county in respect only of premises outwith the burgh, shall, unless otherwise disqualified, be electors of the burgh for the purposes of the principal Act, and the names of all such persons shall be entered in the supplementary list.

3.—Existing Councillors Disqualified for Election.—It shall not be competent to nominate or elect as councillor a person holding, at the time of nomination, the office of councillor of the same burgh, unless he falls to retire at the date of the election in question, or has intimated his resignation of office to take effect at, or prior to, the said date.

4.—Sheriffs, etc., to be Electors.—Section twenty-three of the principal Act shall be amended by the insertion of the words "sheriff-substitutes, sheriff-clerks, sheriff-clerk deputes," after the word "peers," and by the insertion of the words "(otherwise than from rank, office, or sex)" after the word "disability."

5.—Acceptance and Rejection of Nomination Papers.—Section forty-seven of the principal Act is hereby repealed, and in place thereof the following enactment shall be substituted:—

If the names of the person nominated by any nomination paper, and his proposers and assenters, appear in the municipal register of a burgh without any disqualifying mark (the proposers and assenters, if the burgh is divided into wards, so appearing in respect of premises in the ward to which the nomination applies), and if the nomination paper is in or as nearly as may be in the form and contains the particulars prescribed by Schedule Four of the principal Act, the town clerk shall receive the nomination paper and deal with it as valid, but, otherwise, he shall reject the nomination paper, and the same shall be null and void.

6.—Tenure of Office of Certain Town Clerks.—In the case of parliamentary burghs, where the office of town clerk is not regulated by local Act, the tenure of office of the present and future town clerks shall be during the pleasure of the town council, provided that the town clerk shall not be removed from office except by a vote passed in manner prescribed by section seventy-eight of the principal Act; and the words "and parliamentary burghs" occurring in the said section are hereby repealed.

7.—Date of Election in Fishing Burghs.—In any burgh where many electors are engaged in the fishing industry, and often absent from home in pursuance of their occupation at the statutory date of the annual election of councillors, the town council may petition the Secretary for Scotland to determine that the annual retiral and election of councillors shall take place upon a date other than the first Tuesday of November, and upon consideration of such petition, and after such advertisement and inquiry as he shall deem proper, the Secretary for Scotland may determine that the said retiral and election shall thereafter take place on a day to be fixed by him in his determination, not earlier than the first Tuesday of November or later than the

first Tuesday of February, and, in the event of the Secretary for Scotland so determining, he shall in such determination specify the consequential alterations in the dates mentioned in the principal Act which are dependent upon the date of the annual election and in any other dates so dependent, and thereupon the said date of retiral and election and other dates as aforesaid shall be altered accordingly, and the Secretary for Scotland may, on petition as aforesaid, vary or withdraw such determination. Subsections one and three of section ninety-three of the Local Government (Scotland) Act, 1889, shall apply to any inquiry ordered by the Secretary for Scotland under this section.

The Local Government Board for Scotland may, upon any such determination as aforesaid being issued, make such order as may be necessary to give effect to the provisions of the Local Government (Scotland) Act, 1894, respecting the election of parish councillors in such burgh, and may, by such order or by any subsequent order, make any necessary variation in the dates specified in the said Act, and determine any questions that may arise as to the election and proceedings of the parish council, and such determination shall be final.

8.—Audit of Accounts.—Notwithstanding anything contained in the principal Act, but subject always to the provisions of section one hundred and nine thereof, and of section ninety-three of the Greenock Corporation Order, 1901, the sections of that Act relating to accounts and corporate property shall apply and have effect in all burghs within the meaning of that Act, and, subject as aforesaid, all portions of local Acts inconsistent with or dealing with the same matters as the said sections are hereby repealed.

CHAPTER XXXV.

An Act to amend the Law with respect to Customs Duties in the Isle of Man.

[14*th August* 1903.]

MOTOR CAR ACT, 1903 (s. 20).

[3 Edw. 7. Ch. 36.]

ARRANGEMENT OF SECTIONS.

Section.
1. Reckless driving.
2. Registration of motor cars.
3. Licensing of drivers.
4. Suspension of licence and disqualification.
5. Forgery, &c. of indentification mark or licence.
6. Duty to stop in case of accident.
7. Regulations by Local Government Board.
8. Power to prohibit motor cars on special roads.
9. Rate of speed.
10. Erection of notice boards.
11. Penalties and legal proceedings.
12. Regulations as to maximum weight of cars.
13. Inland revenue licences for motor car drivers.
14. Local inquiries by Local Government Board.
15. Saving of liability.
16. Application to servants of the Crown.
17. Protection of Menai Bridge.
18. Application to Scotland.
19. Application to Ireland.
20. Interpretation, commencement, and short title.
21. Duration of Act.

CHAPTER XXXVI.

An Act to amend the Locomotives on Highways Act, 1896. [14*th August* 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—RECKLESS DRIVING.—(1) If any person drives a motor car on a public highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the highway, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the highway, that person shall be guilty of an offence under this Act.

(2) Any police constable may apprehend without warrant the driver of any car who commits an offence under this section within his view, if he refuses to give his name and address or produce his licence on demand, or if the motor car does not bear the mark or marks of identification.

(3) If the driver of any car who commits an offence under this section refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence under this Act, and it shall be the duty of the owner of the car, if required, to give any information which it is within his power to give, and which may lead to the identification and apprehension of the driver, and if the owner fails to do so he also shall be guilty of an offence under this Act.

2.—REGISTRATION OF MOTOR CARS.—(1) Every motor car shall be registered with the council of a county or county borough, and every such council shall assign a separate number to every car registered with them.

(2) A mark indicating the registered number of the car and the council with which the car is registered shall be fixed on the car or on a vehicle drawn by the car, or on both, in such manner as the council require in conformity with regulations of the Local Government Board made under this Act.

(3) A fee of twenty shillings shall be charged by the council of a county or county borough on the registration of a car, except in the case of motor cycles, for which the fee shall be five shillings.

(4) If a car is used on a public highway without being registered, or if the mark to be fixed in accordance with this Act is not so fixed, or if, being so fixed, it is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving the car shall be guilty of an offence under this Act, unless, in the case of a prosecution for obscuring a mark or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable.

Provided that—

(*a*) A person shall not be liable to a penalty under this section if he proves that he has had no reasonable opportunity of registering the car in accordance with this section, and that the car is being driven on a highway for the purpose of being so registered; and

(*b*) The council of any county or county borough in which the business premises of any manufacturer of, or dealer in, motor cars are situated, may, on payment of such annual fee, not exceeding three pounds, as the council require, assign to that manufacturer or dealer a general identification mark which may be used for any car on trial after completion, or on trial by an intending purchaser, and a person shall not be liable to a penalty under this section while so using the car if the mark so assigned is fixed upon the car in the manner required by the council in accordance with regulations of the Local Government Board made under this Act.

3.—LICENSING OF DRIVERS.—(1) A person shall not drive a motor car on a public highway unless he is licensed for the purpose under this section, and a person shall not employ any person who is not so licensed to drive a motor car.

If any person acts in contravention of this provision he shall be guilty of an offence under this Act.

(2) The council of a county or county borough shall grant a licence to drive a motor car to any person applying for it who resides in that county or county borough on payment of a fee of five shillings, unless the applicant is disqualified under the provisions of this Act.

(3) A licence shall remain in force for a period of twelve months from the date on which it is granted, but shall be renewable, and the same provisions shall apply with respect to the renewal of the licence as apply with respect to the grant of the licence.

(4) A licence must be produced by any person driving a motor car when demanded by a police constable. If any person fails so to produce his licence, he shall be liable, on summary conviction, in respect of each offence to a fine not exceeding five pounds.

(5) Any person under the age of seventeen years shall be disqualified for obtaining a licence (except that a licence limited to driving motor cycles may be granted to a person over the age of fourteen years), and any person who already holds a licence shall be disqualified for obtaining another licence while the licence so held by him is in force.

4.—Suspension of Licence and Disqualification.—(1) Any court before whom a person is convicted of an offence under this Act, or of any offence in connection with the driving of a motor car, other than a first or second offence, consisting solely of exceeding any limit of speed fixed under this Act—

(*a*) may, if the person convicted holds any licence under this Act, suspend that licence for such time as the court thinks fit, and, if the court thinks fit, also declare the person convicted disqualified for obtaining a licence for such further time after the expiration of the licence as the court thinks fit; and

(*b*) may, if the person convicted does not hold any licence under this Act, declare him disqualified for obtaining a licence for such time as the court thinks fit; and

(*c*) if the person convicted holds any licence under this Act, shall cause particulars of the conviction and of any order of the court made under this section, to be endorsed upon any licence held by him, and shall also cause a copy of those particulars to be sent to the council by whom any licence so endorsed has been granted.

(2) Any person so convicted, if he holds any licence under this Act, shall produce the licence within a reasonable time for the purposes of endorsement, and if he fails to do so shall be guilty of an offence under this Act.

(3) A licence so suspended by the court shall during the term of suspension be of no effect, and a person whose licence is suspended or who is declared by the court to be disqualified for obtaining a licence shall during the period of suspension or disqualification be disqualified for obtaining a licence.

(4) Any person who is by virtue of an order of the court under this section disqualified for obtaining a licence may appeal against the order in the same manner as a person may appeal who is ordered to be imprisoned without the option of a fine; and the court may, if they think fit, pending the appeal, defer the operation of the order.

(5) If any person, who under the provisions of this Act is disqualified for obtaining a licence, applies for or obtains a licence while he is so disqualified, or if any person whose licence has been endorsed applies for or obtains a licence without giving particulars of the endorsement, that person shall be guilty of an offence under this Act, and any licence so obtained shall be of no effect.

5.—Forgery, etc. of Identification Mark or Licence.—If any person forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any mark for identifying a car or any licence under this Act, he shall be guilty of an offence under this Act.

6.—Duty to Stop in Case of Accident.—A person driving a motor car shall, in any case, if an accident occurs to any person, whether on foot, on horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of the motor car on the road, stop, and if required, give his name and address, and also the name and address of the owner and the registration mark or number of the car; and if any person knowingly acts in contravention of this section, he shall be liable, on

summary conviction, in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding twenty pounds, or, in the discretion of the court, to a term of imprisonment not exceeding one month.

7.—Regulations by Local Government Board.—(1) The Local Government Board may, under section six of the Locomotives on Highways Act, 1896 (in this Act referred to as the principal Act), make regulations—

(*a*) providing generally for facilitating the identification of motor cars, and in particular for determining and regulating generally the size, shape, and character of the identifying marks to be fixed under this Act, and the mode in which they are to be fixed and to be rendered easily distinguishable whether by night or by day, and with respect to the registration of cars, and the entry of particulars, including particulars of the ownership of the car, in the register, and the giving of those particulars, and for making any particulars contained in the register available for use by the police, and for making the registration of a car void if the regulations as to registration are not complied with; and

(*b*) with respect to the licences to be granted by the councils of counties or county boroughs under this Act, and in particular with respect to the register to be kept of those licences and the renewal of licences, and for providing special facilities for granting licences to persons not resident in the United Kingdom, and for communicating particulars thereof to adjoining and other county or county borough councils, and for making any particulars with respect to any persons whose licences are suspended or endorsed available for use by the police, and for preventing a person holding more than one licence.

(2) The councils of counties and county boroughs shall comply with any regulations so made by the Local Government Board, and may, if authorised by those regulations and in accordance therewith, charge in respect of the entry of particulars of the ownership of a car on change of ownership such fee, not exceeding ten shillings, as may be prescribed by the regulations, and in respect of the issue of a new licence in the place of a licence lost or defaced such fee not exceeding one shilling as may be prescribed by the regulations.

8.—Power to Prohibit Motor Cars on Special Roads.—The Local Government Board may, by regulations made under section six of the principal Act, prohibit or restrict the driving of any motor cars, or of any special kind of motor cars, on any specified highway, or part of a highway, which does not exceed sixteen feet in width, or on which ordinary motor car traffic would, in their opinion, be especially dangerous.

9.—Rate of Speed.—(1) Section four of the principal Act (which relates to the rate of speed of motor cars) is hereby repealed, but a person shall not, under any circumstances, drive a motor car on a public highway at a speed exceeding twenty miles per hour, and, within any limits or place referred to in regulations made by the Local Government Board with a view to the safety of the public on the application of the local authority of the area in which the limits or place are situate, a person shall not drive a motor car at a speed exceeding ten miles per hour.

If any person acts in contravention of this provision he shall be liable, on summary conviction, in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding fifty pounds, but a person shall not be convicted under this provision for exceeding the limit of speed of twenty miles merely on the opinion of one witness as to the rate of speed.

(2) Where a person is prosecuted for an offence under this section, he shall not be convicted unless he is warned of the intended prosecution at the time the offence is committed, or unless notice of the intended prosecution is sent to him or to the owner of the car as entered on the register within such time after the offence is committed, not exceeding twenty-one days, as the court think reasonable.

(3) The Local Government Board may, without any application from the local authority, after considering any objections which may be raised by the local authority, revoke or alter any regulation made by them under this section.

(4) For the purposes of this section the expression local authority means—

(*a*) as respects the City of London, the mayor, aldermen, and commons of the City of London in common council assembled; and

(*b*) as respects a municipal borough with a population of over ten thousand according to the last census taken before the passing of this Act, the council of the borough; and

(*c*) as respects any other area, the county council.

10.—Erection of Notice Boards.—(1) Local authorities within the meaning of the last preceding section shall give public notice of any regulation of the Local Government Board made in pursuance of this Act prohibiting or restricting the use of motor cars on any highway or part of a highway, or limiting the speed of motor cars within any limits or place, and for the purpose of giving effect to any such regulation shall place notices in conspicuous places on or near the highway, part of a highway, limits, or place to which the regulation refers.

(2) Subject to regulations as to size and colours to be made by the Local Government Board, local authorities within the meaning of the last preceding section shall within their areas cause to be set up sign posts denoting dangerous corners, cross roads, and precipitous places, where such sign posts appear to them to be necessary.

11.—Penalties and Legal Proceedings.—(1) A person guilty of an offence under this Act for which no special penalty is provided shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds, or in the discretion of the court to imprisonment for a period not exceeding three months.

(2) Any person adjudged to pay a fine exceeding twenty shillings under this Act may appeal against the conviction in the same manner as he may appeal if ordered to be imprisoned without the option of a fine.

12.—Regulations as to Maximum Weight of Cars.—(1) The Local Government Board by regulations made under section six of the principal Act may, as respects any class of vehicle mentioned in the regulations, increase the maximum weights of three tons and four tons mentioned in section one of that Act, subject to any conditions as to the use and construction of the vehicle which may be made by the regulations.

(2) The power of the Local Government Board to make regulations under section six of the Locomotives on Highways Act, 1896, shall, as respects motor cars exceeding two tons in weight unladen, include a power to make regulations as to speed.

13.—Inland Revenue Licences for Motor Car Drivers.—The definition of "male servant" in subsection three of section nineteen of the Revenue Act, 1869, as amended by section five of the Customs and Inland Revenue Act, 1876, shall be construed as if a person employed to drive a motor car were included in that definition.

14.—Local Inquiries by Local Government Board.—Subsections one and five of section eighty-seven of the Local Government Act, 1888 (which relates to local inquiries), shall apply for the purpose of the carrying out by the Local Government Board of any of their duties under this Act.

15.—Saving of Liability.—Nothing in this Act shall affect any liability of the driver or owner of a motor car by virtue of any statute or at common law.

16.—Application to Servants of the Crown.—It is hereby declared that this Act and the principal Act apply to persons in the public service of the Crown.

17.—Protection of Menai Bridge.—(1) A motor car shall not be driven on or over Menai Bridge except in accordance with regulations made by the Commissioners of Works.

(2) If any person acts in contravention of this section he shall be liable on summary conviction in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding fifty pounds.

18.—Application to Scotland.—In the application of this Act to Scotland—

(1) a reference to the Secretary for Scotland shall be substituted for a reference to the Local Government Board; and

(2) a reference to the council of a royal, parliamentary, or police burgh, containing within its boundaries, as ascertained, fixed, or determined for police purposes, a population according to the census for the time being last taken of or exceeding fifty thousand, shall be substituted for a

reference to the council of a county borough, and every other burgh shall be deemed to form part of the county within which it is situate; and

(3) the road authority of any county or of any royal, parliamentary, or police burgh shall be the local authority within the meaning of the provisions of this Act which relate to the rate of speed and the erection of danger boards; and

(4) a reference to subsections one and three of section ninety-three of the Local Government (Scotland) Act, 1889, shall be substituted for a reference to subsections one and five of section eighty-seven of the Local Government Act, 1888; and

(5) any fine under this Act shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts; and

(6) any person convicted of an offence under this Act and ordered to be imprisoned without the option of a fine or adjudged to pay a fine exceeding ten pounds shall have a right of appeal against the conviction. Such appeal shall lie to the sheriff depute, and shall be heard summarily. Such appeal may be taken either immediately after the judgment appealed against has been pronounced or within seven days thereafter, and upon such appeal being taken the sentence (if any) shall be suspended until the appeal has been disposed of: Provided that the appellant shall, at the time of taking such appeal, lodge in the hands of the clerk of court a bond with sufficient cautioner, or otherwise give security satisfactory to the court for appearing before the sheriff depute. The sheriff depute is hereby authorised and empowered on such appeal to hear evidence, whether led at the original hearing or not, and to reconsider the merits of the case and reverse or confirm in whole or in part the judgment appealed against, or give such new or different judgment as he in his discretion shall think fit; and save as provided by the Summary Prosecutions Appeals (Scotland) Act, 1875, his judgment shall be final and not subject to review; and

(7) An appeal taken in terms of this Act by a person holding a licence against an order for suspension or disqualification shall be taken and disposed of as nearly as may be in the manner and subject to the conditions provided by the immediately preceding subsection.

19.—Application to Ireland.—In the application of this Act to Ireland—

(1) a reference to the Local Government Board for Ireland shall be substituted for a reference to the Local Government Board; and

(2) Subsections one and three of article thirty-two of the Local Government (Application of Enactments) Order, 1898, shall be substituted for subsections one and five of section eighty-seven of the Local Government Act, 1888; and

(3) Section twenty-three of the Summary Jurisdiction (Ireland) Act, 1851 (which gives a right of appeal), shall apply as respects convictions for offences under this Act as if any term of imprisonment without the option of a fine were substituted for a term of imprisonment exceeding one month; and

(4) Sections one to four, inclusive, of the Criminal Evidence Act, 1898, shall extend to Ireland in the case of a person charged with any offence under this Act.

20.—Interpretation, Commencement, and Short Title.—(1) In this Act the expression "motor car" has the same meaning as the expression "light locomotive" has in the principal Act, as amended by this Act, except that, for the purpose of the provisions of this Act with respect to the registration of motor cars, the expression "motor car" shall not include a vehicle drawn by a motor car.

The provisions of this Act and of the principal Act shall apply in the case of a roadway to which the public are granted access in the same manner as they apply in the case of a public highway.

(2) This Act shall come into operation on the first day of January nineteen hundred and four.

(3) This Act may be cited as the Motor Car Act, 1903; and the Locomotives on Highways Act, 1896, and this Act may be cited together as the Motor Car Acts, 1896 and 1903.

21.—Duration of Act.—This Act shall continue in force till the thirty-first day of December nineteen hundred and six and no longer, unless Parliament shall otherwise determine.

CHAPTER XXXVII.

An Act to amend the Law relating to the occupation and ownership of Land in Ireland and for other purposes relating thereto, and to amend the Labourers (Ireland) Acts. [14*th August* 1903.]

CHAPTER XXXVIII.

An Act to make provision for the Defence of Poor Prisoners. [14*th August* 1903.]

CHAPTER XXXIX.

An Act to amend the Law relating to the Housing of the Working Classes. [14*th August* 1903.]

CHAPTER XL.

Expiring Laws Continuance Act, 1903 (s. 2).

An Act to continue various Expiring Laws. [14*th August* 1903.]

Whereas the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and three:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Continuance of Acts in Schedule.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and four, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2.—Short Title.—This Act may be cited as the Expiring Laws Continuance Act, 1903.

SCHEDULE.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 5 & 6 Will. 4 c. 27.	The Linen Manufactures (Ireland) Act, 1835.	The whole Act.	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2.) 3 & 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act.	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 & 22 Vict. c. 50.	
(5.) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act.	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114, s. 10.
(6.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29, s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 23 & 24 Vict. c. 19.	The Labourers (Ireland) Act, 1860.	The whole Act.	
(8.) 24 & 25 Vict. c. 109.	The Salmon Fishery Act, 1861.	As to the appointment of inspectors, s. 31.	49 & 50 Vict. c. 39, s. 3. 55 & 56 Vict. c. 50.
(9.) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act.	45 & 46 Vict. c. 61.
(10.) 27 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	
(11.) 28 & 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act.	45 & 46 Vict. c. 49.
(12.) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act.	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77 (Part II.). 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(13.) 29 & 30 Vict. c. 52.	The Prosecutions Expenses Act, 1866.	The whole Act.	

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(14.) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(15.) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act.	34 & 35 Vict. c. 61.
(16.) 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
(17.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(18.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	
(19.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872.	The whole Act.	45 & 46 Vict. c. 50 (Municipal Elections).
(20.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act.	46 & 47 Vict. c. 51, s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(21.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37, s. 69.
(22.) 41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878.	The whole Act.	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(23.) 41 & 42 Vict. c. 72.	The Sale of Liquors on Sunday (Ireland) Act, 1878.	The whole Act.	
(24.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act.	46 & 47 Vict. c. 51.
(25.) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act.	
(26.) 44 & 45 Vict. c. 5.	The Peace Preservation (Ireland) Act, 1881.	The whole Act.	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 20.
(27.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act.	58 & 59 Vict. c. 40.
(28.) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(29.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act.	56 & 57 Vict. c. 73.
(30.) 49 & 50 Vict. c. 29.	The Crofters' Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(31.) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	
(32.) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(33.) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	
(34.) 59 Vict. c. 1.	The Local Government (Elections) Act, 1896.	The whole Act.	
(35.) 59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	As to the powers of the Light Railway Commissioners.	
(36.) 61 & 62 Vict. c. 49.	The Vaccination Act, 1898.	The whole Act.	

CHAPTER XLI.

An Act to make further provision for defraying the expenses of the purchase of Land and Buildings and the construction of Buildings and Works in connection with certain Public Departments. [14*th August* 1903.]

CHAPTER XLII.

An Act to extend the Jurisdiction of the County Courts. [14*th August* 1903.]

CHAPTER XLIII.

DISEASES OF ANIMALS ACT, 1903 (s. 5).

An Act to amend the Diseases of Animals Act, 1894, *in relation to Sheep Scab.* [14*th August* 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—COMPULSORY ADOPTION OF REMEDIES FOR SHEEP SCAB, ETC.—Section twenty-two

of the Diseases of Animals Act, 1894 (which empowers the Board of Agriculture to make orders for the better prevention of disease among animals, and to authorise local authorities to make regulations for the like purpose), shall be construed and have effect as if the following paragraph were inserted therein, namely:—

"(xiii*a*.) For prescribing, regulating, and securing the periodical treatment of all sheep by effective dipping, or by the use of some other remedy for sheep scab."

2.—Power of Examination of Sheep.—(1) An inspector of the Board of Agriculture, and, if so authorised by order of the Board, an inspector of the local authority, may, subject to the direction of the authority appointing the inspector, and for the purposes of any order or regulation under this Act, enter any premises and examine any sheep thereon.

(2) The owner and the person in charge of any sheep shall comply with all reasonable requirements of the inspector as to the collection and penning of the sheep, and afford all other reasonable facilities for the examination of the sheep by the inspector.

3.—Power for Local Authority to Provide Facilities for Sheep-Dipping.—The local authority may provide, fit up, and maintain portable dipping tanks or, with the sanction of the Board of Agriculture, dipping places, and afford the use thereof, and of all necessary appliances and materials in connection therewith, to the public upon such terms and conditions as the local authority may think fit, and any sums received by a local authority for such use shall be applied by them towards the discharge of their expenses under the Diseases of Animals Act, 1894:

Provided that no dipping place shall be used for the purposes of this section if such use would injuriously affect the water in any stream, reservoir, aqueduct, well, pond, or place constructed or used for the supply of water for drinking or other domestic purposes.

4.—Application of Act to Ireland.—In the application of this Act to Ireland, "the Department of Agriculture and Technical Instruction for Ireland" shall be substituted for "the Board of Agriculture."

5.—Short Title.—This Act may be cited as the Diseases of Animals Act, 1903, and shall be construed as one with the Diseases of Animals Acts, 1894 and 1896, and may be cited with those Acts as the Diseases of Animals Acts, 1894 to 1903.

CHAPTER XLIV.

An Act for regulating the business of Marine Store Dealers and Dealers in Second-hand Goods in Ireland. [14*th August* 1903.]

EMPLOYMENT OF CHILDREN ACT, 1903 (s. 18).

[3 Edw. 7. Ch. 45.]

ARRANGEMENT OF SECTIONS.

Section.

1. Power to make byelaws for regulating the employment of children.
2. Power to make byelaws for the regulation of street trading by person under sixteen.
3. General restrictions on employment of children.
4. General provisions as to byelaws.
5. Offences and penalties.
6. Offences by agents or workmen and by parents.
7. Limitation of time.
8. Power of officer of local authority to enter place of employment.
9. Employment in factories.
10. Saving for industrial and other schools.
11. Incorporation and amendment of s. 3 of 57 & 58 Vict. c. 41.
12. Expenses of Act in England and Wales.
13. Definitions.
14. Application to Scotland.
15. Expenses of Act in Scotland.
16. Application to Ireland.
17. Commencement of Act.
18. Short Title.

CHAPTER XLV.

An Act to make better provision for regulating the Employment of Children.

[14*th August* 1903.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—POWER TO MAKE BYELAWS FOR REGULATING THE EMPLOYMENT OF CHILDREN.—Any local authority may make byelaws—

(i) prescribing for all children, or for boys and girls separately, and with respect to all occupations or to any specified occupation,—

(*a*) the age below which employment is illegal; and

(*b*) the hours between which employment is illegal; and

(*c*) the number of daily and weekly hours beyond which employment is illegal:

(ii) prohibiting absolutely or permitting, subject to conditions, the employment of children in any specified occupation.

2.—POWER TO MAKE BYELAWS FOR THE REGULATION OF STREET TRADING BY PERSON UNDER SIXTEEN.—Any local authority may make byelaws with respect to street trading by persons under the age of sixteen, and may by such byelaws—

(*a*) prohibit such street trading, except subject to such conditions as to age, sex, or otherwise, as may be specified in the byelaw, or subject to the holding of a licence to trade to be granted by the local authority;

(*b*) regulate the conditions on which such licences may be granted, suspended, and revoked;

(*c*) determine the days and hours during which, and the places at which, such street trading may be carried on;

(*d*) require such street traders to wear badges;

(*e*) regulate generally the conduct of such street traders:

Provided as follows:—

(1) The grant of a licence or the right to trade shall not be made subject to any conditions having reference to the poverty or general bad character of the person applying for a licence or claiming to trade;

(2) The local authority, in making byelaws under this section, shall have special regard to the desirability of preventing the employment of girls under sixteen in streets or public places.

3.—GENERAL RESTRICTIONS ON EMPLOYMENT OF CHILDREN.—(1) A child shall not be employed between the hours of nine in the evening and six in the morning: Provided that any local authority may, by byelaw, vary these hours either generally or for any specified occupation.

(2) A child under the age of eleven years shall not be employed in street trading.

(3) No child who is employed half-time under the Factory and Workshop Act, 1901, shall be employed in any other occupation.

(4) A child shall not be employed to lift, carry, or move anything so heavy as to be likely to cause injury to the child.

(5) A child shall not be employed in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(6) If the local authority send to the employer of any child a certificate signed by a registered medical practitioner that the lifting, carrying, or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health, or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

4.—GENERAL PROVISIONS AS TO BYELAWS.—(1) A byelaw made under this Act shall not have any effect until confirmed by the Secretary of State, and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State may by general or special order direct.

(2) The Secretary of State shall, before confirming any byelaw, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any byelaw, order that a local inquiry be held with respect to the byelaw or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the local authority making the byelaw.

(4) Byelaws made under this Act may apply either to the whole of the area of the local authority, or to any specified part thereof.

(5) Byelaws made by a county council shall not be of any force or effect within any borough or urban district the council of which is constituted a local authority under this Act.

(6) Byelaws under the Prevention of Cruelty to Children Act, 1894, shall be made by the same authority and confirmed in the same way as byelaws under this Act.

5.—Offences and Penalties.—(1) If any person employs a child or other person under the age of sixteen in contravention of this Act, or of any byelaw under this Act, he shall be liable on summary conviction to a fine not exceeding forty shillings, or, in case of a second or subsequent offence, not exceeding five pounds.

(2) If any parent or guardian of a child or other person under the age of sixteen has conduced to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable on summary conviction to the like fine.

(3) If any person under the age of sixteen contravenes the provisions of any byelaw as to street trading made under this Act, he shall be liable on summary conviction to a fine not exceeding twenty shillings, and in case of a second or subsequent offence, if a child, to be sent to an industrial school, and, if not a child, to a fine not exceeding five pounds.

(4) In lieu of ordering a child to be sent under this section to an industrial school, a court of summary jurisdiction may order the child to be taken out of the charge or control of the person who actually has the charge or control of the child, and to be committed to the charge and control of some fit person who is willing to undertake the same until such child reaches the age of sixteen years: And the provisions of sections seven and eight of the Prevention of Cruelty to Children Act, 1894, shall, with the necessary modifications, apply to any order for the disposal of a child made under this subsection.

6.—Offences by Agents or Workmen and by Parents.—(1) Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

(2) Where a child is taken into employment in contravention of this Act on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

(3) Where an employer is charged with any offence under this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the employer had used due diligence to comply with the provisions of the Act, and that the other person had committed the offence in question without the employer's knowledge, consent, or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

(4) When it is made to appear to the satisfaction of an inspector or other officer charged with the enforcement of this Act, at the time of discovering the offence, that the employer had used all due diligence to enforce compliance with this Act, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, and in contravention

of his order, then the inspector or officer shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

7.—Limitation of Time.—With respect to summary proceedings for offences and fines under this Act, and any byelaws made thereunder, the information shall be laid within three months after the commission of the offence.

8.—Power of Officer of Local Authority to Enter Place of Employment.—If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

9.—Employment in Factories.—Byelaws made under this Act shall not apply to any child above twelve employed in pursuance of the Factory and Workshop Act, 1901, or the Metalliferous Mines Regulation Act, 1872, or the Coal Mines Regulation Act, 1887, so far as regards that employment; and in the application of section three to children employed under those Acts the inspectors appointed under those Acts shall be substituted for the local authority in respect of such employment.

10.—Saving for Industrial and other Schools.—Nothing in this Act or in any byelaw made thereunder shall apply to the exercise of manual labour by any child under order of detention in a certified industrial or reformatory school, or by any child while receiving instruction in manual labour in any school.

11.—Incorporation and Amendment of s. 3 of 57 & 58 Vict. c. 41.—Section three of the Prevention of Cruelty to Children Act, 1894 (which regulates the employment of children in public entertainments), shall have effect as if re-enacted in this Act: Provided as follows:—

(1) A licence under that section shall not be granted to any child under the age of ten years; and

(2) Any inspector or other officer charged with the execution of this Act shall have and may exercise all the powers of an inspector of factories and workshops under that section, and that section shall apply accordingly.

12.—Expenses of Act in England and Wales.—Any expenses incurred by a local authority in England and Wales in carrying into effect the provisions of this Act or any byelaw made thereunder shall be defrayed in the case of a county out of the county fund, and in the case of a borough out of the borough fund or borough rate, and in the case of any other urban district out of any rate or fund applicable for defraying expenses incurred in the execution of the Public Health Acts: Provided that a county council shall not raise any sum on account of their expenses under this Act within any borough or urban district the council of which is a local authority under this Act.

13.—Definitions.—In this Act—

The expression "child" means a person under the age of fourteen years:

The expression "guardian," used in reference to a child, includes any person who is liable to maintain or has the actual custody of the child:

The expressions "employ" and "employment," used in reference to a child, include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or to any other person:

The expression "local authority" means, in the case of the City of London, the mayor, aldermen, and commons of that city in common council assembled, in the case of a municipal borough with a population according to the census of nineteen hundred and one of over ten thousand, the borough council, and in the case of any other urban district with a population according to the census of nineteen hundred and one

of over twenty thousand, the district council, and elsewhere the county council:

The expression "street trading" includes the hawking of newspapers, matches, flowers, and other articles, playing, singing, or performing for profit, shoe-blacking, and any other like occupation carried on in streets or public places.

14.—Application to Scotland.—In the application of this Act to Scotland—

(1) The Secretary for Scotland shall be substituted for the Secretary of State:

(2) "The sheriff or sheriff-substitute" shall be substituted for "a court of summary jurisdiction":

(3) Any fine or penalty under this Act shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts:

(4) The expression "local authority," in sections one and three of this Act, shall mean the school board; and in section two of this Act shall mean, in the case of a royal, parliamentary, or police burgh having, within its boundary for police purposes, according to the census of nineteen hundred and one, a population of or exceeding seven thousand, and in the case of the burgh of Coatbridge, the town council, and elsewhere the county council, and for the purposes of section two every burgh other than those hereinbefore specified shall be held to form part of the county within which it is situated: Provided that in section eight of the Local Government (Scotland) Act, 1889, the expression "purposes hereinafter mentioned" shall be deemed to include the purposes of this Act:

(5) Nothing in this Act shall affect the power of the school board to grant exemptions in certain employments as provided by subsection three of section seven of the Education (Scotland) Act, 1878, and the expression "this Act" in the said section shall be deemed to include the Employment of Children Act, 1903:

(6) A byelaw shall not be made by a council under this Act until the expiry of a period of one month after such byelaw as proposed to be made has been communicated to the clerk to each school board of a parish, burgh, or district comprised or partly comprised within the area of such council for the purposes of this Act, and such council shall give due consideration to any observations received from any such school board within such period; and

(7) Nothing in this Act shall make it lawful for any child to be employed in contravention of section six of the Education (Scotland) Act, 1878, or section two of the Education (Scotland) Act, 1901:

(8) Section two hundred and seventy-six of the Burgh Police (Scotland) Act, 1892, is hereby repealed.

15.—Expenses of Act in Scotland.—Any expenses incurred by a local authority in Scotland in carrying into effect the provisions of this Act or any byelaws made thereunder shall be paid, where the local authority is a county council, out of the public health general assessment leviable within the county or a district of the county, provided that in any royal, parliamentary, or police burgh having, according to the census of nineteen hundred and one, a population of less than seven thousand, a proportion of such expenses corresponding to the valuation of such burgh shall be paid to the county council out of the public health general assessment leviable in such burgh, in compliance with a requisition to that effect to be sent to the town council of such burgh annually not later than the month of October in each year, and, where the local authority is a town council, out of the public health general assessment, and shall be paid, where the local authority is a school board, out of the school rate.

16.—Application to Ireland.—In the application of this Act to Ireland—

(1) The Lord Lieutenant shall be substituted for the Secretary of State:

(2) The expression "local authority" means, in the case of an urban district with a population according to the census of nineteen hundred and one of over five thousand, the district council, and elsewhere the county council:

(3) Proceedings under this Act may be brought by or in the name of any officer of the local authority, or by an officer of a school attendance committee, or by a constable:

(4) All expenses and costs to be incurred by a local authority in the execution of this Act shall be defrayed in the case of the council of a county borough or of a district council out of any rate or fund applicable to the purposes of the Public Health (Ireland) Act, 1878, and in the case of a county council out of the county fund, and in such case the amount required therefor may be raised by means of the poor rate equally over so much of the county as does not comprise any urban district the council whereof is constituted a local authority under this Act.

17.—Commencement of Act.—This Act shall come into operation on the first day of January one thousand nine hundred and four.

18.—Short Title.—This Act may be cited as the Employment of Children Act, 1903.

CHAPTER XLVI.

Revenue Act, 1903 (s. 17).

An Act to make certain amendments of the Law relating to Customs and Inland Revenue, and of the Law relating to the powers and duties of the National Debt Commissioners. [14*th August* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.—Customs and Excise.

1.—Molasses Used for Food for Stock.—(1) Molasses imported into Great Britain or Ireland shall not be liable to duty under section two of the Finance Act, 1901, if it is to be used solely for the purpose of food for stock and such conditions are complied with in respect thereof as to proof, security, and otherwise as may be imposed by the Commissioners of Customs for the purpose of protecting the revenue.

(2) An allowance at the rate of one shilling per hundredweight shall be made to a refiner on molasses produced in Great Britain or Ireland from sugar on which duty has been paid on importation if the molasses is to be used solely for the purpose of food for stock and such conditions are complied with in respect thereof as to proof, security, and otherwise as may be imposed by the Commissioners of Customs or Commissioners of Inland Revenue, as the case requires, for the purpose of protecting the revenue.

(3) If any person acts in contravention of any condition imposed by the Commissioners of Customs or Commissioners of Inland Revenue under this section, that person shall in respect of each offence be liable to a penalty not exceeding fifty pounds.

2.—Extension of 1 Edw. 7, c. 7, as to Manufacture of Saccharin.—Section nine of the Finance Act, 1901 (which relates to regulations as to excise duty on glucose, etc.), shall (so far as it does not already so apply) apply to saccharin, including substances of a like nature or use, as it applies to glucose, and the Commissioners of Inland Revenue may make regulations under that section as to the manufacture, storage, and warehousing without payment of duty of saccharin, and for requiring that the premises in which saccharin is manufactured, warehoused, or stored are approved by them and properly secured.

3.—Charge of Duty on Actual Quantity of Sugar, etc. Cleared from Warehouse.—The provisions of section ninety-eight of the Customs Consolidation Act, 1876, which relate to the charging of duty upon the quantity of goods ascertained by weight, measure, or strength at the time of actual delivery thereof, shall apply to sugar and molasses when cleared from the warehouse for home use, as they apply to the specially excepted goods mentioned in that section.

4.—Provisions as to Warehouses.—(1) A distiller's warehouse may be provided by the distiller under section forty-nine of the Spirits Act, 1880, either within or without the premises upon which the spirits are distilled, but if the warehouse is not within those premises, the Commissioners may attach to their approval of the warehouse such conditions as they think fit, and if those conditions are not for the time being observed, the warehouse shall be deemed to be a warehouse not approved by the Commissioners.

(2) Goods may be warehoused, under section eighteen of the Customs and Inland Revenue Act, 1881, in an Excise warehouse if the warehouse is approved by the Commissioners of Inland Revenue, and, if an Excise warehouse is so approved, the approval of the Treasury shall not be required.

Part II.—Stamps.

5.—Payment of Duty on the Capital of Companies.—The statement of the amount of any increase of registered capital of any company registered under the Companies Acts, 1862 to 1900, which is required by section one hundred and twelve of the Stamp Act, 1891, to be delivered to the Registrar of Joint Stock Companies shall be delivered duly stamped with the duty charged thereon within fifteen days after the passing of the resolution by which the registered capital is increased, and, in default of that delivery, the duty with interest thereon at the rate of five per cent. per annum from the passing of the resolution shall be a debt to His Majesty recoverable from the company.

6.—Exemption from Stamp Duty of Security on Export of Coal.—Any bond or notice given with reference to the exportation of coal or the carriage of coal coastwise for the purpose of the security required under section one hundred and four of the Customs Consolidation Act, 1876, or under the Fourth Schedule to the Finance Act, 1901, shall be exempt from stamp duty, and may be received and acted upon, although not stamped.

7.—Reduction of Stamp Duty in the Case of Substituted Securities.—The whole amount of duty payable under or by reference to paragraph (2) of the heading "Mortage Bond, Debenture, Covenant, and Warrant of Attorney" in the First Schedule to the Stamp Act, 1891, on any instrument being a collateral, or auxiliary, or additional, or substituted security, or by way of further assurance, shall not exceed ten shillings.

8.—Stamping of Policies of Insurance on Ships under Construction, etc.—A policy of insurance made or purporting to be made upon or to cover any ship or vessel, or the machinery or fittings belonging to the ship or vessel whilst under construction, or repair, or on trial, shall be sufficiently stamped for the purposes of the Stamp Act, 1891, and the Acts amending that Act, if stamped as a policy of sea insurance made for a voyage, and though made for a time exceeding twelve months shall not be deemed to be a policy of sea insurance made for time.

9.—Repeal of Stamp Duty on Commissions in Army and Navy.—Stamp duty shall cease to be chargeable on commissions to officers in the army, royal marines, or navy.

Part III.—Taxes.

10.—Income Tax Allowance on Friendly Societies Insurance Premiums.—(1) The proviso to section one of the Income Tax (Insurance) Act, 1855 (which limits the income tax allowances for premiums in respect of insurances with friendly societies), shall cease to have effect, but, where the premiums payable in respect of any insurance to which that section extends are made for shorter periods than three months, the production of a certificate signed by an officer of the society to the surveyor of taxes for the district specifying the correct amount of premiums paid during the year shall be a condition of obtaining relief under that section.

(2) If any person wilfully gives or produces a false certificate under this section he shall forfeit the sum of fifty pounds, and that sum may be recovered as a penalty under section twenty-one of the Taxes Management Act, 1880.

11.—Inhabited House Duty on Houses Let in Tenements or Flats.—(1) Where

a house, so far as it is used as a dwelling-house, is used for the sole purpose of providing separate dwellings,—

(*a*) The value of any dwelling in the house which is of an annual value below twenty pounds shall be excluded from the annual value of the house for the purposes of inhabited house duty; and

(*b*) The rate of inhabited house duty in respect of any dwelling in the house of an annual value of twenty pounds but not exceeding forty pounds shall be reduced to threepence; and

(*c*) The rate of inhabited house duty in respect of any dwelling in the house of an annual value exceeding forty pounds but not exceeding sixty pounds shall be reduced to sixpence.

(2) The provisions of this section as respects dwellings of an annual value not exceeding forty pounds shall not take effect with regard to any such dwelling unless such a certificate as to accommodation and sanitary condition is produced to the General Commissioners as defined by section five of the Taxes Management Act, 1880, as is mentioned in subsection (2) of section twenty-six of the Customs and Inland Revenue Act, 1890, and the provisions of that subsection as to the certificate shall apply for the purpose.

12.—Provision as to Property in Scotland on the Boundary of General Tax Commissioners' Areas.—Where any lands and heritages in Scotland are partly in the jurisdiction of one body of general Commissioners and partly in the jurisdiction of another, or where it is desirable for the convenience of assessment to transfer any lands and heritages from the jurisdiction of one body of general Commissioners to the jurisdiction of another such body, the Commissioners of Inland Revenue at the request of the general Commissioners concerned, shall, by order in writing, determine which body of general Commissioners shall have the jurisdiction, and the whole lands and heritages aforesaid shall be within such jurisdiction accordingly.

13.—Professional Representation on Income Tax Appeals.—If upon any appeal under the Income Tax Acts, the Commissioners for the general purposes of the said Acts refuse to permit a barrister or solicitor to plead before them or to hear any accountant, the appellant may, in lieu of proceeding with the appeal before them, appeal to the Commissioners for the special purposes of the said Acts, and the last-mentioned Commissioners are hereby required to hear the barrister, solicitor, or accountant.

The term "accountant" in this section means a person who has been admitted as a member of an incorporated society of accountants.

Part IV.—Miscellaneous.

14.—Provision as to Fixed Duty on Small Estates.—Where, in the case of a person dying after the commencement of this Act, the fixed duty of thirty shillings or fifty shillings has been deposited or paid under section sixteen of the Finance Act, 1894 (which relates to the estate duty on small estates), and it is afterwards found that the gross value of the property on which estate duty is payable exceeds three hundred or five hundred pounds, as the case may be, the Commissioners of Inland Revenue, if they are satisfied that there were reasonable grounds for the original estimate of the value of the property, may (notwithstanding anything in section thirty-five of the Customs and Inland Revenue Act, 1881) allow an amount equal to the fixed duty deposited or paid to be deducted from the estate duty payable in respect of the property.

15.—Basis for Calculation of Government Annuities.—In section one of the National Debt (Supplemental) Act, 1888 (which relates to the basis for the calculation of the price of Government annuities), two and a half per cent. Consolidated stock within the meaning of the National Debt (Conversion) Act, 1888, shall as from the first day of September nineteen hundred and three be substituted for Bank annuities bearing interest at the rate of two and a half per cent. per annum.

16.—Regulations as to Payments made by and Discharges given to National Debt Commissioners.—(1) The National Debt Commissioners, with the concurrence of the Treasury, may make regulations as to the mode in which any sum payable

by those Commissioners in respect of any life or other terminable annuity, or the commutation of a pension, or the draft of trustees of a savings bank or of a friendly society, or of an advance from the Local Loans Fund, may be paid, and the manner in which a valid discharge is to be given to those Commissioners for any such payment and for crediting instead of paying the interest due in respect of any sums so paid; and payments made and discharges given in accordance with those regulations shall be valid, notwithstanding anything in any other Act.

(2) Section twenty-six of the Trustee Savings Bank Act, 1863, so far as it relates to the signature and attestation of any draft or order for a sum exceeding five thousand pounds, shall cease to have effect.

17.—Repeal, Commencement, and Short Title.—(1) The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) This Act shall come into operation on the first day of September nineteen hundred and three, and may be cited as the Revenue Act, 1903.

SCHEDULE (s. 17).

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 35.	The Income Tax (Insurance) Act, 1855.	Section one, from "Provided that" to the end of the section.
26 & 27 Vict. c. 87.	The Trustee Savings Bank Act, 1863.	Section twenty-six, from the beginning of the section to "Provided also that," inclusive.
39 & 40 Vict. c. 35.	The Customs Tariff Act, 1876.	The last paragraph but two of the Schedule, commencing with the words "Upon the importation into Great Britain and Ireland," and ending with the words, "importation into the United Kingdom."
53 & 54 Vict. c. 8.	The Customs and Inland Revenue Act, 1890.	Subsection two of section twenty-six, except so far as applied for the purposes of this Act.
54 & 55 Vict. c. 25.	The Customs and Inland Revenue Act, 1891.	Section four.
54 & 55 Vict. c. 39.	The Stamp Act, 1891.	In the Schedule the words— "Commission: £ s. d. (1) To any officer in the army or in the corps of Royal Marines . . . . 1 10 0 (2) To any officer in the navy 0 5 0 *Exemption.* Commission to any officer of militia, yeomanry, or volunteers."

CHAPTER XLVII.

Military Lands Act, 1903 (s. 2).

An Act to amend the Military Lands Acts, 1892 to 1900, with respect to the acquisition of Land for Military Purposes. [14*th August* 1903.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Power of Councils to Hire Land for Military Purposes.—(1) The council of a county or borough may, at the request of one or more volunteer corps, by agreement hire land on behalf of the volunteer corps for military purposes, for a period not less than twenty-one years, and may contribute towards the expenses incurred by another council in purchasing or hiring land for those purposes, and the expenses of so hiring or contributing may be defrayed in the same manner as expenses of purchasing, and the payment of those expenses so far as they are in the nature of capital expenses, shall accordingly be a purpose for which the council may borrow.

(2) Land hired under this section on behalf of one or more volunteer corps may be leased to the volunteer corps in like manner as land held by the council of a county or borough under subsection three of section one of the Military Lands Act, 1892, and section one of the Military Lands Act, 1900, shall apply accordingly.

(3) Sections ten and eleven of the Military Lands Act, 1892, shall apply to leases of land to councils hiring land under this section as they apply to leases of land to a Secretary of State or a volunteer corps.

2.—Short Title and Construction.—This Act may be cited as the Military Lands Act, 1903, and shall be construed as one with the Military Lands Acts, 1892 to 1900, and those Acts and this Act may be cited as the Military Lands Acts, 1892 to 1903.

TABLE OF ALTERATIONS

ON

THE SCOTS STATUTES REVISED

AND ON

THE SCOTS STATUTES

BY THE LEGISLATION OF

3 EDWARD VII. (1903).

NOTE.—*The* Scots Acts *are referred to by the chapter as in the* 12*mo Edition;* The Scots Statutes Revised *by Volume and Page; and* The Scots Statutes *by Year and Page. The continuation of Acts by the Expiry Laws Continuance Act* (*cap.* 40) *are not noted in this Table.*

Vol.	Page.	Act.	Alterations.
Scots Acts.			
		1696 c. 16	Repealed by 3 E. VII. c. 5.
Scots Statutes Revised.			
II.	78	6 G. IV. c. 81	§ 16 altered by 3 E. VII. c. 25, § 51.
,,	134	9 G. IV. c. 58	Repealed by 3 E. VII. c. 25, § 110.
,,	350	5 & 6 W. IV. c. 39	§ 7 altered by 3 E. VII. c. 25, § 47.
III.	394	16 & 17 V. c. 27	Repealed by 3 E. VII. c. 5.
,,	450	,, ,, 67	Repealed by 3 E. VII. c. 25, § 110.
IV.	52	18 & 19 V. c. 35	§ 1 amended by 3 E. VII. c. 46, §§ 10 and 17.
,,	195	20 & 21 V. c. 72	§ 13 extended with modification to Orkney and Shetland by 3 E. VII. c. 25, § 70 (7).
,,	239	22 & 23 V. c. 40	Applied with modifications by 3 E. VII. c. 6, § 1. In § 1 "not exceeding thirty thousand" repealed by 3 E. VII. c. 6, § 5.
,,	307	24 & 25 V. c. 21	§ 3 amended by 3 E. VII. c. 25, § 44.
,,	358	25 & 26 V. c. 35	Repealed by 3 E. VII. c. 25, § 110.
IV.	468	26 & 27 V. c. 10	Board of Agriculture substituted for Board of Trade by 3 E. VII. c. 31, § 1.
,,	504	,, ,, 87	§ 26 from beginning to "Provided also that," repealed by 3 E. VII. c. 46, §§ 16 (2) and 17.
V.	99	28 & 29 V. c. 73	Applied by 3 E. VII. c. 6, § 3.
,,	265	31 & 32 V. c. 45 (Part III.)	Board of Agriculture substituted for Board of Trade, and §§ 6 and 46 amended by 3 E. VII. c. 31, § 1.
,,	479	32 & 33 V. c. 31	Board of Agriculture substituted for Board of Trade by 3 E. VII. c. 31, § 1.
,,	518	33 & 34 V. c. 33	Do. do. do.
,,	518	36 & 37 V. c. 71	Do. do. do.
VI.	230	38 & 39 V. c. 15	Do. do. do.
,,	286	,, ,, 45	In § 1 "Twenty-seven millions" substituted for "twenty-three millions" by 3 E. VII. c. 8, § 6 (1).
,,	340	39 & 40 V. c. 26	Repealed by 3 E. VII. c. 25, § 110.
,,	345	,, ,, 35	Last paragraph but two of Schedule commencing "Upon the importation," and ending "into the United Kingdom," repealed by 3 E. VII. c. 46, § 17.
,,	364	,, ,, 36	§ 98 applied by 3 E. VII. c. 46, § 3.
,,	461	40 & 41 V. c. 3	Repealed by 3 E. VII. c. 25, § 110.
,,	475	,, ,, 42	Board of Agriculture substituted for Board of Trade by 3 E. VII. c. 31, § 1.
,,	502	,, ,, 65	Do. do. do.

TABLE OF ALTERATIONS—*continued.*

Vol.	Page.	Act.	Alterations.
VII.	93	43 & 44 V. c. 20	§ 44, so far as applicable to Scotland, repealed by 3 E. VII. c. 25, § 110.
,,	107	,, ,, 24	§ 49 amended by 3 E. VII. c. 46, § 4 (1).
,,	157	44 & 45 V. c. 12	§ 18 amended by 3 E. VII. c. 46, § 4 (2).
,,	189	44 & 45 V. c. 46	Repealed by 3 E. VII. c. 20, § 4.
,,	253	,, ,, 58	§ 174, so far as applicable to Scotland, repealed by 3 E VII. c. 25, § 110.
,,	460	46 & 47 V. c. 55	§ 10 applied by 3 E. VII. c. 8, § 5 (3).
,,	491	,, ,, 58	In § 2 "twenty-one" substituted for "twenty" by 3 E. VII. c. 12, § 1.
,,	503	47 & 48 V. c. 27	Board of Agriculture substituted for Board of Trade by 3 E. VII. c. 31, § 1.
VIII.	17	49 & 50 V. c. 30	Repealed by 3 E. VII. c. 20, § 4.
,,	90	50 & 51 V. c. 38	Repealed by 3 E. VII. c. 25, § 110.
,,	119	,, ,, 58	§ 23 (1) amended by 3 E. VII. c. 7.
,,	169	51 & 52 V. c. 15	§ 1 amended by 3 E. VII. c. 46, § 15.
,,	234	52 & 53 V. c. 30	Extended to "the industry of fishing," and amended by 3 E. VII. c. 31.
,,	251	,, ,, 50	§ 8 extended by 3 E. VII. c. 25, § 5 (1); § 56 extended by 3 E. VII. c. 9, § 2; §§ 60 & 66 extended by 3 E. VII. c. 25, § 8 (6); § 93 (1) and (3) applied by 3 E. VII. c. 34, § 7, and 3 E. VII. c. 36, §§ 14 and 18.
,,	342	53 & 54 V. c. 8	§ 26 (2) repealed by 3 E. VII. c. 46, § 17, except so far as applied for the purposes of that Act.
,,	463	54 & 55 V. c. 25	§ 4 repealed by 3 E. VII. c. 46, § 17.
,,	497	,, ,, 37 (Parts II.–IV.)	Board of Agriculture substituted for Board of Trade by 3 E. VII. c. 31, § 1.
,,	506	,, ,, 39	§ 112 amended by 3 E. VII. c. 46, § 5; in Schedule heading "Mortgage Bond, etc." amended by 3 E. VII. c. 46, § 7, and heading "Commission" repealed by 3 E. VII. c. 46, § 17.
,,	613	55 & 56 V. c. 43	Amended by 3 E. VII. c. 47.
,,	629	,, ,, 55	§§ 515, 380 (11) and 381 (24) repealed by 3 E. VII. c. 25, § 110; § 276 repealed by 3 E. VII. c. 45, § 14.
,,	,,	,, ,,	Amended by 3 E. VII. c. 33.
IX.	80	57 & 58 V. c. 19	Extended to produce of fishing industry by 3 E. VII. c. 31, § 1 (8).
,,	110	,, ,, 41	§§ 7 and 8 applied by 3 E. VII. c. 45, § 5 (4).
,,	142	,, ,, 57	§ 22 amended by 3 E. VII. c. 43, § 1.
,,	493	59 & 60 V. c. 36	Amended by 3 E. VII. c. 36.
,,	503	,, ,, 48	Board of Agriculture substituted for Board of Trade in § 5 (1) so far as relates to industry of fishing.
,,	585	60 & 61 V. c. 50	Repealed by 3 E. VII. c 25, § 110.
X.	34	61 & 62 V. c. 60	First Schedule to include offences under §§ 70 and 75 of 3 E. VII. c. 25 by 3 E. VII. c. 25, §§ 70 (3) and 75 (2).
,,	39	62 & 63 V. c. 9	§ 16 repealed by 3 E. VII. c. 8, § 7 (1).
,,	92	,, ,, 47	§ 11 (1) amended by 3 E. VII. c. 9, § 2.
,,	100	63 & 64 V. c. 2	In § 3, "but the principal and interest and other sums so charged shall not be payable as part of the permanent annual charge for the National Debt" repealed by 3 E. VII. c. 8, § 7 (1).
,,	101	,, ,, 7	§§ 2 to 7 continued by 3 E. VII. c. 8 §§ 3 and 4; § 2 amended by 3 E. VII. c. 46, § 1.
,,	115	,, ,, 28	§ 2 repealed by 3 E. VII. c. 25, § 110.
,,	135	,, ,, 49	Amended by 3 E. VII. c. 34.
,,	166	,, ,, 52	In § 1 "not exceeding fifteen thousand in number" repealed by 3 E. VII. c. 6, § 5.
,,	168	,, ,, 56	Amended by 3 E. VII. c. 47.
Scots Statutes.			
Year.	Page.		
1901	9	1 E. VII. c. 7	§ 9 extended by 3 E. VII. c. 46, § 2.
,,	91	,, ,, 27	Repealed, so far as applicable to Scotland, by 3 E. VII. c. 25, § 110.
1902	5	2 E. VII. c. 7	§§ 1, 6, and first and second Schedules repealed as from 1st July 1903, by 3 E. VII. c. 8, §§ 1 and 7 (1).

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THE

SCOTS STATUTES, 1904,

PASSED IN THE FOURTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

EDINBURGH:
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PASSED IN THE FOURTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH,

TOGETHER WITH THE TITLES OF ALL THE PUBLIC GENERAL STATUTES PASSED DURING THE SAID YEAR.

CHAPTER I.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and four and one thousand nine hundred and five. [29*th March* 1904.]

CHAPTER II.

An Act to authorise the appropriation of the surplus funds derived from Battersea Park towards the opening of the Mall into Charing Cross and other Metropolitan Improvements. [29*th March* 1904.]

CHAPTER III.

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 *to* 1899. [29*th March* 1904.]

CHAPTER IV.

WILD BIRDS PROTECTION ACT, 1904 (S. 3).

An Act to amend the Wild Birds Protection Acts. [28*th April* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—OFFENCES AND PENALTIES.—From and after the passing of this Act every person who, on any pole, tree, or cairn of stones or earth, shall affix, place or set any

spring, trap, gin, or other similar instrument calculated to cause bodily injury to any wild bird coming in contact therewith, and every person who shall knowingly permit or suffer or cause any such trap to be so affixed, placed, or set, shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding forty shillings, and for a second or subsequent offence to a penalty not exceeding five pounds.

2.—PROSECUTION OF OFFENCES.—Every offence under this Act may be prosecuted under the provisions of section five of the Wild Birds Protection Act, 1880.

3.—SHORT TITLE AND CONSTRUCTION.—This Act may be cited as the Wild Birds Protection Act, 1904, and shall be construed with the Wild Birds Protection Acts, 1880 to 1902, and those Acts and this Act may be cited collectively as the Wild Birds Protection Acts, 1880 to 1904.

CHAPTER V.

ARMY (ANNUAL) ACT, 1904 (S. 1).

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.
[28*th April* 1904.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of two hundred and twenty-seven thousand, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act will expire in the year one thousand nine hundred and four on the following days:

(*a*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c*) Elsewhere, whether within or without His Majesty's dominions, on the thirty first day of December:

Be it therefore enacted by the King's most Excellent Majesty, by and with the

advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :—

1.—Short Title.—This Act may be cited as the Army (Annual) Act, 1904.

2.—Army Act to be in Force for Specified Times.—(1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say) :—

(*a*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and four to the thirtieth day of April one thousand nine hundred and five, both inclusive ; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand nine hundred and four to the thirty-first day of July one thousand nine hundred and five, both inclusive ; and

(*c*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of December one thousand nine hundred and four to the thirty-first day of December one thousand nine hundred and five, both inclusive ;

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

3.—Prices in Respect of Billeting.—There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the Schedule to this Act.

Amendments of Army Act.

4.—Amendment of Army Act as to Appeals from Commanding Officers.—In sub-section (8) of section forty-six of the Army Act, as amended by the Army (Annual) Act, 1893, after the words "he shall" shall be added the words "in every case where the award or finding involves a forfeiture of pay, and in every other case."

5.—As to Commutation of Punishments.—In paragraph (7) of section eighty-three of the Army Act (which relates to the commutation of punishment to general service), the words "three months" shall be substituted for the words "six months."

6.—As to Enlistment of Aliens, &c.—(1) In sub-section (2) of section ninety-five of the Army Act (which relates to the enlistment of aliens, &c.) after the words "provisions of this section" shall be added the words "any inhabitant of any British Protectorate and"

(2) In sub-section (23) of section one hundred and ninety of the Army Act (which defines the expression "colony,") after the word "Cyprus" shall be added the words "and any British Protectorate."

7.—As to Stoppages from Pay of Officers.—At the end of section one hundred and thirty-seven of the Army Act the following paragraph shall be inserted :—

"(4) The sum required to make good any loss, damage or destruction of public property which, after due investigation, appears to the Secretary of State to have been occasioned by any wrongful act or negligence on the part of the officer."

8.—As to Compulsory Stoppage of Pay for Maintenance Orders.—In sub-section (2) of section one hundred and forty-five of the Army Act (which relates to the maintenance of the wife, child, or bastard child of a soldier), the words "in respect of a wife or children one shilling, and in respect of a bastard child sixpence" shall be substituted for the word "sixpence," the words "in respect of a wife or children sixpence, and in respect of a bastard child threepence" shall be substituted for the word "threepence," the words "in the first case" shall be repealed, the word

"or" shall be substituted for the words "and in the second case," and the words "as the case may be" shall be inserted after the words "such wife or children."

9.—EXTENSION OF S. 156 (9) TO BOUNTIES.—In sub-section (9) of section one hundred and fifty-six of the Army Act, as amended by the Army (Annual) Act, 1891 (which relates to unlawful possession of identity and life certificates), after the words "to reserve pay" shall be added the words "or to any bounty," and after the words "to the pay" shall be added the words "or bounty."

10.—AMENDMENT OF ARMY ACT AS TO PERSONS SUBJECT TO MILITARY LAW AS OFFICERS.—At the end of section one hundred and seventy-five of the Army Act (which relates to persons subject to military law as officers) the following paragraph shall be added:—

"(10) Any reserve officer, within the meaning of the Royal Warrant regulating the composition of the reserve of officers, when he is ordered on any duty or service for which, as such reserve officer, he is liable."

11.—AS TO MARINES.—At the end of paragraph (21) of section one hundred and seventy-nine of the Army Act (which relates to the modification of the Act with respect to the Royal Marines) shall be added the words "and also a marine raised or enrolled under the Naval Reserve Act, 1900, or the Naval Forces Act, 1903, when called into actual service and when being trained or exercised."

12.—AS TO SENTENCES ON WARRANT OFFICERS.—In paragraph (2) of section one hundred and eighty-two of the Army Act which relates to sentences on warrant officers:—

(*a*) the words "or to be suspended from rank and pay and allowances for any period stated by the court-martial" shall be repealed; and

(*b*) the words "if he was originally enlisted as a soldier, but not otherwise," shall be repealed, and the same words shall be inserted after the words "lower grade, or" in the same sub-section.

13.—AMENDMENT OF SECOND SCHEDULE AS TO BILLETING.—At the end of Part I. of the Second Schedule to the Army Act, the following paragraph shall be added:—

For the purposes of this Part of this Schedule the expression "furnish with lodging" shall include the provision of a separate bed for each officer and soldier.

14.—DATE ON WHICH AMENDMENTS TO ARMY ACT ARE TO COME INTO OPERATION.—Amendments of the Army Act contained in this or any other Act continuing the Army Act shall come into operation in any place as from the day from which the Army Act is by this or such other Act continued in that place.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Fourpence per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act.	One shilling and threepence halfpenny each.
Breakfast as so specified	One penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer	Two shillings per night.

Note.—An officer shall pay for his food.

CHAPTER VI.

Hall-Marking of Foreign Plate Act, 1904 (s. 4).

An Act to amend the Law with respect to the Hall-Marking of Foreign Plate.
[22*nd July* 1904.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—Marks to be Placed on Foreign Plate.—(1) Where, for the purpose of complying with sections fifty-nine and sixty of the Customs Act, 1842, or section ten of the Revenue Act, 1883, any plate has to be assayed, stamped, and marked, or where for any other purpose any plate or article imported from a foreign part is brought to an assay office in the United Kingdom to be assayed, stamped, or marked, the plate or article shall be marked in such manner as His Majesty may determine by Order in Council so as readily to distinguish whether the plate or other article was wrought or made in England, Scotland, or Ireland, or was imported from foreign parts, and such mark or marks shall be deemed to be a compliance with the said Acts.

(2) Any person, who, after a date fixed by His Majesty by Order in Council, brings or causes to be brought any plate or other article to be assayed, stamped, and marked at an assay office, shall state in writing, in manner provided by His Majesty by Order in Council, whether the plate or article was wrought or made in England, Scotland, or Ireland, or was imported from foreign parts, but it shall not be necessary to make such statement in writing where any plate or other article is brought to an assay office in charge of an officer of customs under the provisions of the Revenue Act, 1883, for the purpose of being assayed, stamped, or marked as having been imported from foreign parts.

(3) Where any person, who, after the date fixed as aforesaid, brings or causes to be brought any plate or other article to be assayed, stamped, and marked at an assay office, does not know, and is not able to state, whether the plate or other article was wrought or made in England, Scotland, or Ireland, or was imported from foreign parts, such person shall make a statement in writing to that effect in the manner prescribed in this section, and the plate or other article referred to in the said statement shall be stamped and marked as if it were imported from foreign parts.

(4) If any person knowingly makes a false statement under this section he shall be liable, on summary conviction, under the Summary Jurisdiction Acts, to a fine not exceeding five pounds for every article in respect of which the false statement is made.

(5) The Customs Act, 1842, shall apply as if a reference to the mode of marking required under this Act were substituted for a reference to the mode of marking under that Act.

(6) His Majesty may, by Order in Council, revoke, vary, or add to any Order in Council made under this Act.

2.—Application to Scotland.—In Scotland all offences which are punishable under this Act on summary conviction shall be prosecuted before the sheriff in manner provided by the Summary Jurisdiction (Scotland) Acts.

3.—Commencement of Act.—This Act shall come into force on the first day of November, one thousand nine hundred and four.

4.—Short Title and Repeal.—(1) Section two of the Customs Tariff Act, 1876, is hereby repealed.

(2) This Act may be cited as the Hall-Marking of Foreign Plate Act, 1904.

CHAPTER VII.

FINANCE ACT, 1904 (S. 11).

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. [1*st August* 1904.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, and in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—CUSTOMS AND EXCISE.

1.—DUTY ON TEA.—In lieu of the duty of customs payable on tea imported into Great Britain or Ireland, there shall, as from the twentieth day of April nineteen hundred and four, until the first day of July nineteen hundred and five, be charged, levied, and paid the following duty (that is to say):—

Tea, the pound, eightpence.

2.—DUTIES ON CERTAIN KINDS OF TOBACCO.—(1) The duties of Customs payable under section one of the Finance Act, 1898, on manufactured tobacco, shall, as from the twentieth day of April nineteen hundred and four, be increased in the case of cigars by sixpence per pound, and in the case of cigarettes by one shilling per pound, and the duties payable under the same section on unmanufactured tobacco shall, as from the same date, be increased, in the case of stripped tobacco, by threepence per pound.

(2) A rebate at the rate of three-halfpence for every pound of tobacco shall be allowed on any increased duty under this Act paid on or after the nineteenth day of July nineteen hundred and four in respect of any stripped tobacco which is shown to the satisfaction of the Commissioners of Customs to have been deposited in a bonded warehouse before, or to have been in an importing vessel consigned to a port in Great Britain or Ireland on, the twentieth day of April nineteen hundred and four.

(3) In this section the expression "stripped tobacco" means any leaf tobacco of which the leaf is not complete by reason of the removal of the stalk or midrib or of some portion thereof, but tobacco shall not be deemed to be stripped tobacco solely by reason of its having been subjected to such process of butting as the Commissioners of Customs allow.

3.—RE-ARRANGEMENT OF TOBACCO DRAWBACKS AND PROVISION AS TO MOISTURE.—(1) Drawback allowed under section one of the Manufactured Tobacco Act, 1863, as extended or amended by any subsequent Act, on tobacco exported from Great Britain or Ireland or deposited in a bonded or King's warehouse shall, as from the fourth day of May nineteen hundred and four, be allowed at the rates set out in the Schedule to this Act, instead of at the rate in force before that date, but subject to the provisions contained in that Schedule.

(2) Section two of the Finance Act, 1898, is hereby repealed, and in section four of the Customs and Inland Revenue Act, 1887 (which relates to moisture in tobacco), the words "thirty-two per centum" shall be substituted for the words "thirty-five per centum."

4.—CONTINUANCE OF ADDITIONAL CUSTOMS DUTY AND DRAWBACKS ON TOBACCO,

BEER, AND SPIRITS.—The additional duties of Customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of July nineteen hundred and five, and, as regards the period for which any additional drawback is allowed under the said section four, July nineteen hundred and five, shall be substituted for August nineteen hundred and one.

5.—CONTINUANCE OF ADDITIONAL EXCISE DUTIES AND DRAWBACKS ON BEER AND SPIRITS.—The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900, shall continue to be charged, levied, and paid until the first day of July nineteen hundred and five, and, as regards the period in respect of which any additional drawback is allowed under the said section six, July nineteen hundred and five shall be substituted for August nineteen hundred and one.

6.—REDUCTION OF WAREHOUSE DELIVERY CHARGES.—(1) In lieu and instead of the additional rates provided for in the Customs Tariff Act, 1876, there shall be charged upon the delivery of the following goods from any warehouse for home consumption, in addition to the duties of Customs and any other charges thereon, for every one hundred pounds of such duties of Customs payable thereon, the rates following (that is to say):—

	s.	d.
In respect of tobacco	1	3
In respect of other goods	2	6

whether such tobacco or other goods shall have been removed to such warehouse under bond or not.

(2) The rate of charge on the delivery of spirits from an excise warehouse under the Customs and Excise Warehousing Act, 1869, shall be reduced from five shillings to two shillings and sixpence.

(3) The last paragraph but one of the schedule to the Customs Tariff Act, 1876, beginning "There shall be charged upon the delivery of the following goods," and ending with the words "under bond or not," is hereby repealed.

PART II.—INCOME TAX AND INHABITED HOUSE DUTY.

7.—INCOME TAX FOR 1904-1905.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and four shall be charged at the rate of one shilling.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and four shall have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property, which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and four, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this sub-section—

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869.

(4) Section thirty-eight of the Finance Act, 1894 (which relates to duty on dividends, &c., paid prior to the passing of the Act), shall be applied with respect to the year which commenced on the sixth day of April nineteen hundred and four, as it was applied with respect to the year which commenced on the sixth day of April eighteen hundred and ninety-four.

8.—INCOME TAX EXEMPTION IN CASE OF UNREGISTERED FRIENDLY SOCIETIES.—

Whereas doubts have arisen whether unregistered friendly societies are entitled to the exemption from income tax given under the Acts relating to income tax to persons whose income does not exceed one hundred and sixty pounds, be it enacted that an unregistered friendly society whose income does not exceed one hundred and sixty pounds is entitled to that exemption.

9.—RELIEF FROM INCOME TAX ON INSURANCES WITH COLONIAL COMPANIES.—Section fifty-four of the Income Tax Act, 1853 (under which relief is granted in respect of premiums on life insurances or contracts for deferred annuities), shall apply in relation to life insurances or contracts for deferred annuities effected in or with any insurance company legally established in any British possession as it applies in relation to life insurances or contracts in or with the insurance companies mentioned in that section.

PART III.—UNCLAIMED DIVIDENDS ACCOUNT.

10.—PAYMENT OUT OF UNCLAIMED DIVIDENDS ACCOUNT.—The National Debt Commissioners shall, as and when the Treasury request, pay into the Exchequer, out of the account under Part VII. of the National Debt Act, 1870, of unclaimed dividends, sums not exceeding in the whole one million pounds, and may for that purpose sell any stock standing to the credit of that account.

PART IV.—GENERAL.

11.—CONSTRUCTION AND SHORT TITLE.—(1) Part I. of this Act so far as it relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876, and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

(2) This Act may be cited as the Finance Act, 1904.

SCHEDULE.

TABLE OF RATES OF DRAWBACK.

	Ordinary Rate.	Addition while Additional 1900 Duty is in force.	Total while Additional 1900 Duty is in force.
	s. d.	d.	s. d.
Cigars . . . . . the lb.	3 3	4	3 7
Cigarettes . . . . . the lb.	3 1	4	3 5
Cut, roll, cake, or other manufactured tobacco . the lb.	3 1	4	3 5
Snuff (not being offal snuff) . . . the lb.	2 11	4	3 3
Stalks, shorts, or other refuse of tobacco (including offal snuff) . . . . the lb.	2 9	4	3 1

PROVISIONS AFFECTING ALLOWANCE OF DRAWBACK.

1. The addition to the rate of drawback set out in the second column of the above table shall be allowed only while the additional duty of customs on tobacco, under

section two of the Finance Act, 1900, is continued, and for a period of two months after that additional duty ceases.

2. The provisions relating to the drawback and exemption from duty allowed in respect of snuff shall apply to stalks, shorts, and other refuse of tobacco, not of the fineness of snuff, as they apply to snuff.

3. The deduction from drawback in respect of inorganic matter contained in snuff shall not be made unless the quantity of inorganic matter exceeds the proportion of twenty-two pounds in every hundred pounds weight of snuff, as calculated under the provisions applicable thereto.

4. A deduction from drawback in respect of inorganic matter contained in tobacco shall not be made unless the quantity of inorganic matter exceeds the proportion of twenty-two pounds in every hundred pounds weight, as calculated under the provisions applicable thereto, and where the quantity of inorganic matter exceeds that proportion, drawback shall be allowed, but subject to the like deductions as are made in the case of snuff.

5. Notwithstanding anything in section one of the Manufactured Tobacco Act, 1863, drawback on tobacco shall be allowed in respect of fractions of a pound in accordance with the provisions of section seventeen of the Customs Consolidation Act, 1876.

6. These provisions shall, for the purpose of sub-section two of section six of the Finance Act, 1896, be treated as part of section one of the Manufactured Tobacco Act, 1863, and that sub-section shall apply to stalks, shorts, and other refuse of tobacco not of the fineness of snuff.

CHAPTER VIII.

Savings Banks Act, 1904 (s. 16).

An Act to amend the Savings Banks Acts. [1*st August* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1.—Auditors of Trustee Savings Banks.—After the commencement of this Act an auditor of a Trustee Savings Bank shall be appointed for a term not exceeding one year; provided that a retiring auditor shall be eligible for reappointment.

2.—Expenses of Penny Savings Banks.—It shall be lawful for the Trustees of a Trustee Savings Bank, and for the Postmaster General, to defray all or any of the expenses of any penny savings bank having a deposit account with the Trustees or the Postmaster General, as the case may be, incurred in obtaining necessary account books, stationery, or similar articles, and in providing for the audit or inspection of the books and accounts of such penny savings bank, and the expenses so defrayed by the Trustees of a Trustee Savings Bank shall be deemed necessary expenses of a Trustee Savings Bank within the meaning of section two of the Trustee Savings Banks Act, 1863.

3.—Superannuation of Officers of Trustee Savings Banks.—(1) The Trustees of a Trustee Savings Bank may, with the consent of the Inspection Committee, grant to any officer of the Bank who becomes incapable of discharging the duties of his office by reason of old age, or permanent infirmity of body or mind, and who has completed not less than ten years' service as an officer of the bank, compensation on his ceasing to hold office, by way either of a yearly allowance or of a gratuity of a capital amount, or by a combination of both these means.

(2) A yearly allowance or gratuity under this Act shall not exceed such sum as might be granted by way of yearly allowance or gratuity respectively, under sections two and six of the Superannuation Act, 1859, to persons to whom a superannuation allowance may be granted under that Act, and a combined yearly allowance and gratuity shall, for the purposes of this provision, be treated as a yearly allowance

consisting of the actual yearly allowance increased by an amount which represents a yearly allowance equivalent to the gratuity.

(3) Any such compensation shall be paid as part of the current expenses of the Bank, or, with the sanction of the Inspection Committee, out of any moneys standing to the credit of the separate surplus fund.

(4) Compensation payable by way of a yearly allowance shall only be continued so long as, in the opinion of the Inspection Committee, the surplus funds of the Bank admit of, or can provide for, such payment.

4.—POWER OF TRUSTEE SAVINGS BANKS TO PURCHASE, SELL, AND LEASE PROPERTY.—Section ten of the Trustee Savings Banks Acts, 1863, shall be read as if the following words were added thereto:—The Trustees shall have power, with the consent of the National Debt Commissioners, to purchase land or erect buildings for the purposes of their savings bank, and for those purposes to apply money standing to the separate surplus fund account of their bank, and with the like consent to sell, exchange, or lease any land or buildings acquired by them for the purposes of such Savings Bank, or any part thereof, and no purchaser, assignee, or tenant, shall be bound to inquire as to the authority for, or consent of the National Debt Commissioners to, any such sale, exchange, or lease, and the receipt of the Trustees for the time being shall be a discharge for all moneys accruing from or in connexion with such sale, exchange, or lease, which moneys shall be accounted for and the balance, after deducting the amount of any necessary expenses incurred by the Trustees in connexion therewith, paid over to the said Commissioners to be by them carried to the Separate Surplus Fund to the credit of the Trustees, and any conveyance, lease, deed, act, or thing executed, made, or done by such Trustees, for giving legal effect to any such sale, exchange, or lease, shall be valid and effectual to all intents and purposes. The term "land" shall include hereditaments and chattels real, and in Scotland heritable subjects of whatsoever description.

5.—AMALGAMATION OF TRUSTEES SAVINGS BANKS.—(1) Any two or more Trustee Savings Banks may, with the assent of the National Debt Commissioners, on the recommendation of the Inspection Committee, by special resolution of both or of such Banks, become amalgamated together as one Bank with or without any dissolution or division of the funds of such Banks, or either or any of them, and all the funds and property of such Banks shall become vested in the amalgamated Bank without the necessity of any form of conveyance or assignment other than the special resolution for amalgamation.

(2) For the purposes of such amalgamation a special resolution shall mean a resolution passed by not less than three-fourths of the Trustees of the Bank present at a general meeting of which notice specifying the intention to propose the resolution has been duly given according to the rules, and confirmed by a majority of the Trustees present at a subsequent meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the date of the first-mentioned meeting.

6.—SPECIAL INVESTMENTS.—(1) Notwithstanding anything in paragraph (*i*) of section ten of the Savings Banks Act, 1891 (which limits the power of Trustee Savings Banks to make special investments), the Trustees of a Trustee Savings Bank may, on the recommendation of the Inspection Committee, and if authorised by the National Debt Commissioners, make special investments.

Before giving their authority under this section, the National Debt Commissioners shall be satisfied that the Bank is open daily and has an aggregate cash liability to its depositors, irrespective of the amount of any special investments, of not less than two hundred thousand pounds, and the National Debt Commissioners may withdraw their authority if at any time in their opinion either of these conditions is not for the time being complied with.

(2) Money received for special investments may, notwithstanding anything in section ten of the Savings Banks Act, 1891, be invested in any securities issued under the Local Loans Act, 1875, and in loans secured on the security of any local rate levied under the authority of any Act of Parliament by any local authority authorised to borrow money on that security.

(3) The rules of every Trustee Savings Bank making special investments shall,

as respects those investments, provide that the Trustees shall have power to demand at least one month's notice in advance of any repayment of whatever amount required by a depositor.

(4) The Trustees of a Trustee Savings Bank making special investments shall cause to be printed, in the pass-books in use for the purpose of special investments, a notice stating that the security of any special investment is not in any way guaranteed by the Government.

7.—Rules for Authentication of Documents.—The rules for the management of a savings bank may provide for the execution and signing of instruments and documents on behalf of the Trustees by not less than four Trustees authorised for the purpose by the Trustees, and any such rules, if duly certified, shall be binding on all persons, and be operative for all purposes, but shall not affect anything contained in any regulations made by the National Debt Commissioners under section sixteen of the Revenue Act, 1903.

8.—Deposit Accounts in Excess of £200.—Section three of the Savings Bank Act, 1893 (which provides for the investment, unless the depositor otherwise directs, of any interest or dividend credited to him, and of any sums transferred to him, in excess of the limit of his deposit), shall cease to have effect.

9.—Annual Statement of Liabilities.—(1) The National Debt Commissioners in conjunction with the Postmaster General shall, at the close of each year ending on the thirty-first day of December, prepare a statement showing the aggregate amount of the liabilities of the Government to depositors in Post Office Savings Banks at that date, and the nature and amount of the securities held by the Commissioners to meet those liabilities, and the National Debt Commissioners shall, at the close of each year ending on the twentieth day of November, prepare a statement showing the aggregate amount of the liabilities of the Government to Trustee Savings Banks and to Friendly Societies respectively, and the nature and amount of the securities held by the Commissioners to meet those liabilities; and the statements so prepared shall be laid before Parliament not later than the last day of June in each year.

(2) The obligation of the National Debt Commissioners and the Postmaster General to prepare a balance sheet under section six of the Savings Bank Investment Act, 1863, and section nine of the Post Office Savings Bank Act, 1861, shall cease, but nothing in this section shall affect any liability of the Consolidated Fund in respect of the said liabilities, and section six of the Post Office Savings Bank Act, 1861, shall apply with respect to the liabilities of the fund for the Banks for savings as it applies with respect to the liabilities of the Post Office Savings Bank Fund.

10.—Interest on the Investments of the Deficiency.—(1) As from the twenty-first day of November nineteen hundred and three all interest arising after that date from any securities in which the money received or to be received on account of the Trustee Savings Banks (Deficiency) Annuity is invested, or in which any money arising from the investment of the annuity is invested shall for the purpose of the annual account made out by the National Debt Commissioners under the Customs, Inland Revenue, and Savings Banks Act, 1877, be treated as income arising from the securities in which sums received by the National Debt Commissioners from Trustees of Trustee Savings Banks are invested.

(2) In this section the expression "Trustee Savings Banks (Deficiency) Annuity" means the annuity directed by the Savings Banks Act, 1880, to be inscribed in the books of the Bank of England for the National Debt Commissioners on account of Trustee Savings Banks for the purpose of paying off the deficiency mentioned in that Act.

(3) The amount payable in respect of the said annuity shall continue to be paid in each year up to the end of the half-year ending on the twentieth day of May nineteen hundred and seventeen, and shall continue to be charged accordingly.

11.—Discontinuance of Acknowledgments of Deposits under One Pound.—The entry in a depositor's book under section two of the Post Office Savings Bank Act, 1861, of a deposit of less than one pound shall be conclusive evidence of title in the same manner as an acknowledgment of a deposit by the Postmaster General is

evidence of title under that section, and it shall not be necessary to transmit any such acknowledgment in the case of such a deposit.

12.—TRANSFER OF SAVINGS BANKS DEPOSITS FROM OR TO COLONIAL OR FOREIGN SAVINGS BANKS.—(1) The Postmaster General may enter into an arrangement with any Government savings bank authority in any British possession or foreign country for the transfer of sums standing to the credit of depositors from such a Government savings bank to the Post Office Savings Bank, or from the Post Office Savings Bank to such a Government savings bank.

(2) Wherever such an arrangement has been made, the Postmaster General may place any amount transferred in pursuance thereof to the Post Office Savings Bank to the credit of a depositor's account in that bank, although the amount transferred may exceed the amount which a depositor may deposit in any one savings bank year, but no amount shall be so credited which shall make the total amount standing to the credit of the account exceed the maximum for the time being allowed by law.

(3) Regulations made by the Postmaster General, with the consent of the Treasury, under the Post Office Savings Bank Acts, 1861 to 1893, may provide for any matters necessary to give effect to transfers authorised in pursuance of this section.

13.—INTERPRETATION.—In this Act—

The expression "Trustee Savings Bank" means a bank certified under the Trustee Savings Banks Act, 1863;

The expression "penny savings bank" means a bank the rules of which fix a sum not exceeding five pounds as the maximum amount which may stand to the credit of any one depositor therein at any one time, and which provide, upon the attainment of such maximum amount, for the transfer of the same to an account opened in the depositor's own name in the Savings Bank where the deposit account of such penny savings bank is kept;

The expression "Inspection Committee" means the Inspection Committee of Trustee Savings Banks established under section two of the Savings Banks Act, 1891;

The expression "separate surplus fund" means the fund created pursuant to section twenty-nine of the Trustee Savings Banks Act, 1863;

The expression "special investments" means investments made in pursuance of section sixteen of the Trustee Savings Banks Act, 1863.

14.—EXTENSION TO CHANNEL ISLANDS AND ISLE OF MAN.—This Act shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register the same.

15.—REPEAL.—The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

16.—SHORT TITLE.—(1) This Act may be cited as the Savings Banks Act 1904.

(2) This Act, so far as it relates to the Post Office Savings Bank, may be cited with the Post Office Savings Bank Acts, 1861 to 1893, and, so far as it relates to Trustee Savings Banks, may be cited with the Trustee Savings Banks Acts, 1863 to 1893, and the last-mentioned Acts shall include, and shall be deemed to have included, so much of the Post Office Savings Bank Act, 1863, and of the Savings Banks Act, 1880, as relates to Trustee Savings Banks.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
24 Vict. c. 14.	The Post Office Savings Bank Act, 1861.	Section nine, from "and a balance sheet" to the end of the section.
26 & 27 Vict. c. 25.	The Savings Bank Investment Act, 1863.	Sections six and seven.
26 & 27 Vict. c. 87.	The Trustee Savings Banks Act, 1863.	Section sixty, from "and thirdly" to "from the funds of friendly societies."
37 & 38 Vict. c. 73.	The Post Office Savings Banks Act, 1874.	Section three, from "and the balance sheet" to the end of the section.
43 & 44 Vict. c. 36.	The Savings Banks Act, 1880.	Section one, from "in every balance sheet" to "valued at par."
44 & 45 Vict. c. 55.	The National Debt Act, 1881.	Section five, as from the twenty-first day of November nineteen hundred and three.
54 & 55 Vict. c. 21.	The Savings Banks Act, 1891.	Section fourteen.
56 & 57 Vict. c. 69.	The Savings Bank Act, 1893.	Section three.

CHAPTER IX.

An Act to provide for the Registration of Clubs in Ireland, and for other purposes connected therewith. [15*th August* 1904.]

CHAPTER X.

Wild Birds Protection (St. Kilda) Act, 1904 (s. 2).

An Act to extend the provisions of the Wild Birds Protection Acts to the Island of St. Kilda, excepting as regards certain Birds required for the support of the Inhabitants of the Island. [15*th August* 1904.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Extension of 43 & 44 Vict. c. 35, to Island of St. Kilda.—So much of section nine of the Wild Birds Protection Act, 1880, as provides that the operation of that Act shall not extend to the Island of St. Kilda is hereby repealed. Provided that the schedule to the said Act of 1880 shall in the application of the Act to the Island of St. Kilda be read and construed as if the words fork-tailed petrel and St. Kilda's wren were inserted therein, and as if the words fulmar, gannet, guillemot, puffin and razorbill were deleted therefrom.

2.—Short Title and Construction.—This Act may be cited as the Wild Birds Protection (St. Kilda) Act, 1904, and shall be construed with the Wild Birds Protection Acts, 1880 to 1904.

CHAPTER XI.

An Act to extend the privileges of the Graduates of the University of Liverpool. [15*th August* 1904.]

CHAPTER XII.

An Act to extend the privileges of the Graduates of the University of Leeds.
[15*th August* 1904.]

CHAPTER XIII.

An Act to provide for the Adjustment, in accordance with changes of boundary effected under the London Government Act, 1899, *of the Areas within which Local Authorities and Companies are authorised to supply Electricity.* [15*th August* 1904.]

CHAPTER XIV.

POST OFFICE ACT, 1904 (S. 3).

An Act to amend the Post Office Acts with respect to cumulative commissions on Money Orders and the use of embossed and impressed stamps. [15*th August* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—ABOLITION OF CUMULATIVE COMMISSIONS ON MONEY ORDERS.—The commission payable in respect of a money order issued under the Post Office (Money Orders) Act, 1880, as amended by any subsequent Act, and presented for payment at any time after the expiration of three months from the last day of the month of issue, shall in all cases be an amount equal to that of the original poundage, and accordingly proviso (3) to section one of the Post Office (Money Orders) Act, 1880, shall be repealed from "with the addition" to the end of the proviso.

2.—USE OF EMBOSSED STAMPS.—The Treasury may by warrant under the Post Office Acts, 1837 to 1903, regulate the use, by way of prepayment of postage, of embossed or impressed stamps cut out or otherwise separated from the cover or other paper, card, or thing on which the stamp was embossed or impressed, and section nineteen of the Post Office Act, 1870, which prohibits such use of such stamps, shall be repealed.

3.—SHORT TITLE.—This Act may be cited as the Post Office Act, 1904, and may be cited with the Post Office Acts, 1837 to 1903, and so far as it relates to money orders may also be cited with the Post Office (Money Orders) Acts, 1848 to 1903.

CHAPTER XV.

PREVENTION OF CRUELTY TO CHILDREN ACT, 1904 (S. 33).

An Act to amend the Law relating to the Prevention of Cruelty to Children.
[15*th August* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

CRUELTY TO CHILDREN.

1.—PUNISHMENT FOR CRUELTY TO CHILDREN.—(1) If any person over the age of sixteen years, who has the custody, charge, or care of any child under the age of

sixteen years, wilfully assaults, ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned, or exposed in a manner likely to cause such child unnecessary suffering, or injury to its health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanor; and

(*a*) on conviction on indictment, shall be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding two years; and

(*b*) on summary conviction, shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months.

(2) A person may be convicted of an offence under this section either on indictment or by a court of summary jurisdiction notwithstanding the death of the child in respect of whom the offence is committed.

(3) Upon the trial of any person over the age of sixteen indicted for the manslaughter of a child under the age of sixteen, of which he has had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that the accused has been guilty of an offence under this section in respect of such child, to find the accused guilty of such offence.

(4) If it is proved that a person indicted under this section was directly or indirectly interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court, in its discretion, may—

(*a*) increase the amount of the fine under this section, so that the fine does not exceed two hundred pounds; or

(*b*) in lieu of awarding any other penalty under this section, sentence the person indicted to penal servitude for any term not exceeding five years.

(5) A person shall be deemed to be directly or indirectly interested in a sum of money under this section if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

(6) A copy of a policy of insurance, certified by an officer or agent of the insurance company granting the policy to be a true copy, shall, in any proceedings under this Act, be *primâ facie* evidence that the child therein stated to be insured has been in fact so insured, and that the person in whose favour the said policy has been granted is the person to whom the money thereby insured is legally payable.

(7) An offence under this section is in this Act referred to as an offence of cruelty.

Restrictions on Employment of Children.

2.—Restrictions on Employment of Children.—If any person—

(*a*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(*b*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six. a.m.; or

(*c*) causes or procures any child under the age of eleven years, or, having the

custody, charge, or care of any such child, allows that child to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale; or

(*d*) causes or procures any child under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months:

Provided that—

(i) This section shall not apply in the case of any occasional sale or entertainment, the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

(ii) Any local authority may, if they think it necessary or desirable so to do, from time to time by bye-law extend or restrict the hours mentioned in paragraph (*b*) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein; and

(iii) Paragraphs (*c*) and (*d*) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends.

3.—LICENCES FOR EMPLOYMENT OF CHILDREN.—(1) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, or in the Employment of Children Act, 1903, or any bye-law made thereunder, grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as the court or board think fit, for any child exceeding ten years of age—

(*a*) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or

(*b*) to be trained as aforesaid; or

(*c*) for both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2) It shall be the duty of inspectors and other officers charged with the execution of the Employment of Children Act, 1903, to see whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector or officer shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector appointed under the Factory and Workshop Act, 1901, has to enter, inspect, and examine a factory or workshop under section one hundred and nineteen of that Act, and that section shall apply accordingly.

(3) Where any person applies for a licence under this section, he shall, at least

seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4) Where a licence is granted under this section to any person, that person shall forthwith cause a copy thereof to be sent to the local authority for the district in which the licence is to take effect, and if he fails to cause such copy to be sent shall be liable on summary conviction to a fine not exceeding five pounds.

(5) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878, as amended by any later enactment.

Arrest of Offender and Provision for Safety of Children.

4.—Power to take Offenders into Custody.—(1) Any constable may take into custody, without warrant, any person—

(*a*) who within view of such constable commits an offence under this Act, or any of the offences mentioned in the First Schedule to this Act, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; or

(*b*) who has committed, or who he has reason to believe has committed, any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2) Where a constable arrests any person without warrant in pursuance of this section, the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

5.—Detention of Child in Place of Safety.—(1) A constable, or any person authorised by a justice of the peace, may take to a place of safety any child in respect of whom an offence under paragraph (*a*) of section two of this Act has been committed, or in respect of whom an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, has been, or there is reason to believe has been, committed.

(2) A child so taken to a place of safety, and also any child under the age of sixteen years who seeks refuge in a place of safety, may there be detained until it can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following sub-section, or may cause the child to be dealt with as circumstances may admit and require, until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction or discharge of such person.

(3) Where it appears to a court of summary jurisdiction or any justice that an offence of cruelty within the meaning of this Act or any of the offences mentioned in the First Schedule to this Act has been committed in the case of any child that is brought before such court or justice, and that it is expedient in the interests of the child that an order should be made under this sub-section, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the conviction or discharge of that person, and in case of conviction for such further time not exceeding twenty-one days as the court may

direct, and any such order may be carried out notwithstanding that any person claims the custody of the child.

(4) Boards of guardians, and, in Scotland, parish councils shall provide for the reception of children brought to a workhouse in pursuance of this Act, and, where the place of safety to which a constable or any person authorised by a justice of the peace takes a child is a workhouse, the master shall receive the child into the workhouse if there is suitable accommodation therein for the same, and shall detain the child until the case is determined, and any expenses incurred in respect of the child shall be deemed to be expenses incurred in the relief of the poor.

6.—DISPOSAL OF CHILD BY ORDER OF COURT.—(1) Where a person having the custody, charge, or care of a child under the age of sixteen years has been—

(*a*) convicted of committing in respect of such child an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act; or

(*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child,

by any court, that court, either at the time when the person is so convicted, committed for trial, or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, and also any petty sessional court before which any person may bring the case, may, if satisfied on inquiry that it is expedient so to deal with the child, order that the child be taken out of the custody, charge, or care of the person so convicted, committed for trial, or bound over, and be committed to the custody of a relation of the child, or some other fit person, including any society or body corporate established for the reception of poor children, or the prevention of cruelty to children, named by the court (such relation or other person being willing to undertake such custody), until it attains the age of sixteen years, or for any shorter period, and may of its own motion, or on the application of any person, from time to time by order renew, vary, and revoke any such order; but no order shall be made under this section unless a parent of the child has been convicted of or committed for trial for the offence, or is under committal for trial for having been, or has been proved to the satisfaction of the court making the order to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(2) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child; and the consent of any person to undertake the custody of a child in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

(3) Where an order is made under this section in respect of a person who has been committed for trial, then, if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void, except with regard to anything that may have been lawfully done under it.

(4) A Secretary of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland, may at any time in his discretion discharge a child from the custody of any person to whose custody it is committed in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary, or Lord Lieutenant approves, and may, if he thinks fit, make rules in relation to children so committed to the custody of any person, and to the duties of such persons with respect to such children.

(5) A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person in pursuance of this section, may empower such person to procure the emigration of the child, but except with such authority, no person to whose custody a child is so committed shall procure its emigration.

7.—MAINTENANCE OF CHILD WHEN COMMITTED TO CUSTODY OF ANY PERSON UNDER ORDER OF COURT.—(1) Any person to whose custody a child is committed under this Act shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue in the custody of such person, notwithstanding that it is claimed by its parent.

(2) Any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts; but the limit on the amount of the weekly sum which the parent of a child may be required, under this section, to contribute to its maintenance shall be one pound a week, instead of the limit fixed by the Industrial Schools Acts.

(3) Any such order may be made on the complaint or application of the person to whose custody the child is for the time being committed, and either at the time when the order for the child's committal to custody is made, or subsequently, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child.

(4) If a person fails to pay any sum payable by him in pursuance of any such order, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872, or, in Scotland, were a sum decerned for aliment, or, in Ireland, were a sum ordered to be paid by him under the Summary Jurisdiction (Ireland) Acts.

(5) Where an order under this Act to commit a child to the custody of some relation or other person is made in respect of a person who has been committed for trial for an offence, the court shall not have power to order the parent of the child to contribute to its maintenance prior to the trial of that person.

(6) Any court making an order under this section for contribution by a parent may in any case where there is any pension or income payable to such parent and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, further order that such part as the court may see fit, of the pension or income be attached and be paid to the person named by the court. Such further order shall be an authority to the person, authority, or body by whom such pension or other income is payable, to make the payment herein stated, and the receipt of the payee shall be a good discharge to such person, authority, or body.

(7) An order under this section may be made by any court before which a person is charged with an offence under this Act, and without regard to the place in which the person to whom it is made payable may reside.

8.—Religious Persuasion of Person to whom Child is Committed.—(1) In determining on the person to whose custody the child shall be committed under this Act, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, or a person who gives such undertaking as seems to the court sufficient that the child shall be brought up in accordance with its own religious persuasion, and such religious persuasion shall be specified in the order.

(2) In any case where the child has been placed pursuant to any such order with a person who is not of the same religious persuasion as that to which the child belongs, or who has not given such undertaking as aforesaid, the court shall, on the application of any person in that behalf, and on its appearing that a fit person, who is of the same religious persuasion, or who will give such undertaking as aforesaid, is willing to undertake the custody, make an order to secure his being placed with a person who either is of the same religious persuasion or gives such undertaking as aforesaid.

(3) Where a child has been placed with a person who gives such undertaking as aforesaid, and the undertaking is not observed, the child shall be deemed to have been placed with a person not of the same religious persuasion as that to which the child belongs, as if no such undertaking had been given.

9.—Interchange of Powers under Industrial Schools Acts and this Act.—(1) Where any child under the age of sixteen years is brought before a petty sessional court under circumstances authorising the court to deal with the child under the Industrial Schools Acts, the court, if it thinks fit, in lieu of ordering that the child be sent to an industrial school, may make an order for the committal of the child to the custody of a relation or person named by the court, and the provisions of section six of this Act shall, so far as applicable, apply as if the order were an order under that section.

(2) Where a court orders a child to be sent to an industrial school, the order may,

at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and, if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school, the court may commit the child to the custody of a relation or person named by the court, as provided by this Act, until the time so specified, or the time when the order actually takes effect.

10.—WARRANT TO SEARCH FOR OR REMOVE A CHILD.—(1) If it appears to any stipendiary magistrate or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is *bonâ fide* acting in the interests of a child under the age of sixteen years, that there is reasonable cause to suspect that such a child has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of such magistrate or justices, in a manner likely to cause the child unnecessary suffering, or to be injurious to its health, or that any offence mentioned in the First Schedule to this Act has been or is being committed in respect of such a child, such magistrate or justices may issue a warrant authorising any person named therein to search for such child, and, if it is found to have been or to be assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of the child, to take it to and detain it in a place of safety, until it can be brought before a court of summary jurisdiction, or authorising any person to remove the child with or without search to a place of safety and detain it there until it can be brought before a court of summary jurisdiction; and the court before whom the child is brought may cause it to be dealt with in the manner provided by section five of this Act:

Provided that—

(*a*) the powers hereinbefore conferred on any two justices may be exercised by any one justice, if upon the information it appears to him to be a case of urgency; and

(*b*) in the case of Scotland the jurisdiction hereby conferred on a magistrate or two justices shall be exercised only by a sheriff or sheriff-substitute.

(2) Any person issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.

(3) Any person authorised by warrant under this section to search for any child, or to remove any child with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other superior officer of police, who shall be accompanied by the person making the information, if such person so desire, unless the persons by whom the warrant is issued otherwise direct, and may also, if the persons by whom the warrant is issued so direct, be accompanied by a registered medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child.

POWER AS TO HABITUAL DRUNKARDS.

11.—POWER AS TO HABITUAL DRUNKARDS.—Where it appears to the court by or before which any person is convicted of the offence of cruelty within the meaning of this Act, or of any of the offences mentioned in the First Schedule to this Act, that that person is a parent of the child in respect of whom the offence was committed, or is living with the parent of the child, and is an habitual drunkard within the meaning of the Inebriates Acts, 1879 and 1888, the court, in lieu of sentencing such person to imprisonment, may, if it thinks fit, make an order for his detention for any period named in the order, not exceeding twelve months, in a retreat under the said Acts,

the licensee of which is willing to receive him, and the said order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner, as if it were an application duly made by such person and duly attested by two justices under the said Acts; and the court may order an officer of the court or constable to remove such person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that—

(*a*) an order for the detention of a person in a retreat shall not be made under this section unless that person, having had such notice as the court deems sufficient of the intention to allege habitual drunkenness, consents to the order being made; and

(*b*) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being made, the court shall, before making the order, take into consideration any representation made to it by the wife or husband; and

(*c*) before making the order the court shall, to such extent as it may deem reasonably sufficient, be satisfied that provision will be made for defraying the expenses of such person during detention in a retreat.

Evidence and Procedure.

12.—Evidence of Accused Person.—In any proceeding against any person for an offence under this Act, or for any of the offences mentioned in the First Schedule to this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

13.—Extension of Power to take Deposition of Child.—(1) Where a justice is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child, in respect of whom an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, is alleged to have been committed, would involve serious danger to its life or health, the justice may take in writing the deposition of such child on oath, and shall thereupon subscribe the same and add thereto a statement of his reason for taking the same, and of the day when and place where the same was taken, and of the names of the persons (if any) present at the taking thereof.

(2) The justice taking any such deposition shall transmit the same with his statement—

(*a*) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed;

(*b*) in any other case, to the clerk of the peace of the county or borough in which the deposition has been taken;

and the clerk of the peace to whom any such deposition is transmitted shall preserve, file, and record the same.

14.—Admission of Deposition of Child in Evidence.—Where, on the trial of any person on indictment for any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, any deposition of the child taken under the Indictable Offences Act, 1848, or the Petty Sessions (Ireland) Act, 1851, or this Act, shall be admissible in evidence either for or against the accused person without further proof thereof—

(*a*) if it purports to be signed by the justice by or before whom it purports to be taken; and

(*b*) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use the same

as evidence, and that that person or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

15.—EVIDENCE OF CHILD OF TENDER YEARS.—(1) Where in any proceeding against any person for an offence under this Act, or for any of the offences mentioned in the First Schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and the evidence of such child, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of section fourteen of the Petty Sessions (Ireland) Act, 1851, or of section thirteen of this Act, shall be deemed to be a deposition within the meaning of those sections respectively:

Provided that—

(*a*) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and

(*b*) Any child whose evidence is received as aforesaid and who shall wilfully give false evidence shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879, in the case of juvenile offenders, or in Ireland by section four of the Summary Jurisdiction over Children (Ireland) Act, 1884, in the case of children.

(2) This section shall not apply to Scotland.

16.—POWER TO PROCEED WITH CASE IN ABSENCE OF CHILD.—Where in any proceedings with relation to an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

17.—PRESUMPTION OF AGE OF CHILD.—Where a person is charged with an offence under this Act, or any of the offences mentioned in the First Schedule to this Act, or any offence under the Employment of Children Act, 1903, in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act, and the Employment of Children Act, 1903, be deemed to be under that age, unless the contrary is proved.

18.—MODE OF CHARGING OFFENCES AND LIMITATION OF TIME.—(1) Where a person is charged with committing an offence under this Act or any of the offences mentioned in the First Schedule to this Act in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of these offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence under this Act, or of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4) When an offence under this Act, or any offence mentioned in the First Schedule to this Act, charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

19.—Appeal from Summary Conviction to Quarter Sessions.—When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, or when in the case of any application under sections six, seven, or eight of this Act, other than an application to a judge or court of assize, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such a conviction, or order, or decision, in England and Ireland to a court of quarter sessions, and in Scotland to the High Court of Justiciary in manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875, or any Act amending the same.

20.—Expenses of Prosecution.—(1) Where a misdemeanor under this Act is tried on indictment, the expenses of the prosecution shall be defrayed in like manner as in the case of a felony.

(2) This section shall not apply to Scotland.

21.—Guardians may pay Costs of Proceedings.—A board of guardians, or in Scotland the parish council of any parish or combination, may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the assault, ill-treatment, neglect, abandonment, or exposure of any child, and in the case of a union, shall charge such costs and expenses to the common fund.

Supplemental.

22.—Provisions as to Byelaws.—Every byelaw under this Act shall be made by the same authority and confirmed in the same way as byelaws under the Employment of Children Act, 1903, or in Scotland as byelaws under section two of the said Act.

23.—Provision as to Parents and as to Meaning of "Custody, Charge, or Care."—(1) The provisions of this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child, and the expression "parent," when used in relation to a child, includes guardian and every person who is by law liable to maintain the child.

(2) This Act shall apply in the case of a parent who, being without means to maintain a child, fails to provide for its maintenance under the Acts relating to the relief of the poor, in like manner as if the parent had otherwise neglected the child.

(3) For the purposes of this Act—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

24.—Evidence of Wages of Defendant.—In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or, if no wages book be kept, a written statement signed by such employer, or by his foreman, shall be *primâ facie* evidence that the wages therein entered, or stated as having been paid to any person, have in fact been so paid: Provided that such copy or statement has been signed by such employer, or his foreman, and that the signature of such employer, or foreman, has been witnessed by the person producing the said copy or statement.

25.—Vexatious Indictments Act to Apply.—Every misdemeanor under this Act shall in England and Ireland be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859, and any Act amending the same.

26.—EXTENSION OF SECTION TEN.—Section ten of the Poor Law Act, 1879, shall be amended so as to include in it as one of the associations or societies to which a board of guardians may, with the consent of the Local Government Board, subscribe, any association or society for the prevention of cruelty to children.

27.—EXTENSION OF TIME FOR PROCEEDINGS.—The limit of time mentioned in the second proviso of section five of the Criminal Law Amendment Act, 1885, shall be six months after the commission of the offence.

28.—RIGHT OF PARENT, &C., TO ADMINISTER PUNISHMENT.—Nothing in this Act shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer punishment to such child.

29.—GENERAL DEFINITIONS.—In this Act, unless the context otherwise requires—

The expression "local authority" has the same meaning as in the Employment of Children Act, 1903:

The expression "chief officer of police" means—

in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere in England, the chief constable, or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "street" includes any highway or other public place, whether a thoroughfare or not:

The expression "place of safety" includes any place certified by the local authority under this Act for the purposes of this Act, and also includes any workhouse or police station, or any hospital surgery, or place of the like kind:

The expression "Industrial Schools Acts" means as regards England and Scotland the Industrial Schools Act, 1866, and the Acts amending the same.

30.—APPLICATION OF ACT TO SCOTLAND.—In the application of this Act to Scotland, unless the context otherwise requires—

The Secretary for Scotland shall be substituted for a Secretary of State:

The expression "local authority" means the local authority for the purposes of section two of the Employment of Children Act, 1903, as defined in sub-section four of section fourteen of that Act, and the provisions of the said sub-section shall apply accordingly:

The expression "chief officer of police" means the chief constable or head constable, superintendent or inspector, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "court of summary jurisdiction," the expression "petty sessional court," and the expression "justice of the peace" mean the sheriff or sheriff-substitute:

The expression "misdemeanor" means crime and offence:

The expression "manslaughter" means culpable homicide:

The expression "defendant" includes panel, respondent, or person charged:

The expression "enter into a recognizance with or without sureties" means grant a bond of caution:

The expression "workhouse" means poorhouse.

31.—APPLICATION OF ACT TO IRELAND.—In the application of this Act to Ireland, unless the context otherwise requires—

The Chief Secretary shall be substituted for a Secretary of State:

The expression "local authority" means any local authority as defined by the Employment of Children Act, 1903.

32.—EXPENSES OF LOCAL AUTHORITY.—Expenses incurred by a local authority under this Act shall be defrayed in like manner as expenses incurred under the Employment of Children Act, 1903.

33.—Short Title and Commencement of Act.—(1) This Act may be cited as the Prevention of Cruelty to Children Act, 1904.

(2) The enactments mentioned in the Second Schedule to this Act shall be repealed from the date of the commencement of this Act to the extent specified in the third column to that Schedule.

(3) This Act shall come into operation on the first day of October one thousand nine hundred and four.

SCHEDULES.

FIRST SCHEDULE (s. 4, &c.).

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences against the Person Act, 1861, and any offence against a child under the age of sixteen years, under sections five, forty-two, forty-three, fifty-two, or sixty-two of that Act, or section eleven of the Criminal Law Amendment Act, 1885.

Any offence under the Dangerous Performances Acts, 1879 and 1897.

Any other offence involving bodily injury to a child under the age of sixteen years.

SECOND SCHEDULE (s. 33).

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 41.	The Prevention of Cruelty to Children Act, 1894.	The whole Act.
3 Edw. 7. c. 45.	The Employment of Children Act, 1903.	In section four the subscription numbered (6). Section eleven.

CHAPTER XVI.

Public Health Act, 1904 (s. 2).

An Act to enable Regulations to be made for carrying into effect conventions with respect to the prevention of danger arising to public health from vessels, and the prevention of the conveyance of infection by means of vessels. [15*th August* 1904.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Sanitary Regulations as to Vessels.—(1) The power of making regulations under the Public Health Act, 1896, and the enactments mentioned in that Act, shall include the power of making regulations authorising measures to be taken for the prevention of danger arising to public health from vessels arriving at any port, and for the prevention of the conveyance of infection by means of any vessel sailing from any port, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement, or engagement with any foreign country, and the regulations may in particular provide for the recovery of any expenses incurred in disinfection and of any charges authorised to be made by the regulations for the purpose of those regulations or any services performed thereunder, and also

for any powers and duties under the regulations being executed and performed by local authorities:

Provided that the regulations shall not be made except after consultation with the Board of Trade.

(2) In the application to this Act to Scotland, Part IV. of the Public Health (Scotland) Act, 1897, shall be substituted for the Public Health Act, 1896.

(3) This Act shall extend to the Isle of Man with the substitution of section eight of the Local Government Amendment Act (Isle of Man), 1897, for the Public Health Act, 1896.

2.—SHORT TITLE.—This Act may be cited as the Public Health Act, 1904.

CHAPTER XVII.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and five, and to appropriate the Supplies granted in this Session of Parliament. [15*th August* 1904.]

CHAPTER XVIII.

An Act to make provision for the case of default on the part of Local Authorities in the performance of their duties as respects elementary schools. [15*th August* 1904.]

CHAPTER XIX.

RAILWAYS (PRIVATE SIDINGS) ACT, 1904 (S. 1).

An Act to amend the Law relating to Private Sidings on Railways. [15*th August* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—SHORT TITLE.—This Act may be cited as the Railways (Private Sidings) Act, 1904.

2.—FACILITIES WITH RESPECT TO PRIVATE SIDINGS.—The reasonable facilities which every railway company is required to afford under section two of the Railway and Canal Traffic Act, 1854, as amended or explained by any other Act, shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by any such company, and reasonable facilities for receiving, forwarding, and delivering traffic upon and from those sidings or private branch railways.

3.—PROVISIONS AS TO ORDER UNDER THE ACT.—The Railway and Canal Commissioners may at any time review and rescind or vary any order made by them under this Act on the application of any party to the order, but, before such an application is entertained by the Commissioners, the applicant shall show to the Commissioners in manner provided by rules to be made for the purpose under section twenty of the Railway and Canal Traffic Act, 1888, that there is a *primâ facie* case for the application.

CHAPTER XX.

An Act to make provision for the transfer of Property and other matters consequent upon the dissolution of Districts and Poor Law Unions or the addition of one Poor Law Union to another. [15*th August* 1904.]

CHAPTER XXI.

An Act to enable the Treasury to borrow by means of Exchequer Bonds for purposes for which they are authorised to borrow by means of Terminable Annuities. [15*th August* 1904.]

CHAPTER XXII.

An Act to make provision with respect to an advance to be made to the Cunard Steamship Company (Limited), under an Agreement with that Company dated the thirtieth day of July nineteen hundred and three. [15*th August* 1904.]

CHAPTER XXIII.

An Act to amend the Licensing Acts, 1828 to 1902, in respect to the extinction of Licences and the grant of new Licences. [15*th August* 1904.]

CHAPTER XXIV.

WIRELESS TELEGRAPHY ACT, 1904 (S. 3).

An Act to provide for the regulation of Wireless Telegraphy. [15*th August* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—LICENCES FOR WIRELESS TELEGRAPHY.—(1) A person shall not establish any wireless telegraph station, or instal or work any apparatus for wireless telegraphy, in any place or on board any British ship except under and in accordance with a licence granted in that behalf by the Postmaster General.

(2) Every such licence shall be in such form and for such period as the Postmaster General may determine, and shall contain the terms, conditions, and restrictions on and subject to which the licence is granted, and any such licence may include two or more stations, places, or ships.

(3) If any person establishes a wireless telegraph station without a licence in that behalf, or instals or works any apparatus for wireless telegraphy without a licence in that behalf, he shall be guilty of a misdemeanour, and be liable, on conviction under the Summary Jurisdiction Acts, to a penalty not exceeding ten pounds, and on conviction on indictment to a fine not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for a term not exceeding twelve months, and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a licence, but no proceedings shall be taken against any person under this Act except by order of the Postmaster General, the Admiralty, the Army Council, or the Board of Trade.

(4) If a justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that a wireless telegraph station has been established without a licence in that behalf, or that any apparatus for wireless telegraphy has been installed or worked in any place or on board any ship within his jurisdiction without a licence in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Postmaster General, the Admiralty, the Army Council, or the Board of Trade and named in the warrant, and a warrant so granted shall authorise the officer named therein to enter and inspect the station, place or ship and to seize any apparatus which appears to him to be used, or intended to be used, for wireless telegraphy therein.

(5) Sections six hundred and eighty-four, six hundred and eighty-five, and six hundred and eighty-six of the Merchant Shipping Act, 1894 (which relate to the jurisdiction of courts and justices), and section six hundred and ninety-three of the same Act (which relates to distress for sums ordered to be paid by masters and owners of ships), shall apply to the jurisdiction of courts and justices in respect of ships, and to distress under this Act.

(6) The Postmaster General may make regulations for prescribing the form and manner in which applications for licences under this Act are to be made, and, with the consent of the Treasury, the fees payable on the grant of any such licence.

(7) The expression "wireless telegraphy" means any system of communication by telegraph as defined in the Telegraph Acts, 1863 to 1904, without the aid of any wire connecting the points from and at which the messages or other communications are sent and received: Provided that nothing in this Act shall prevent any person from making or using electrical apparatus for actuating machinery or for any purpose other than the transmission of messages.

2.—LICENCES FOR EXPERIMENTAL PURPOSES, &C.—(1) Where the applicant for a licence proves to the satisfaction of the Postmaster General that the sole object of obtaining the licence is to enable him to conduct experiments in wireless telegraphy, a licence for that purpose shall be granted, subject to such special terms, conditions, and restrictions as the Postmaster General may think proper, but shall not be subject to any rent or royalty.

(2) Where an applicant for a licence satisfies the Postmaster General that a wireless telegraph station is to be used solely for the transmission of telegrams which are within the first or second exception from the exclusive privilege of transmitting telegrams conferred upon the Postmaster General by the Telegraph Act, 1869, a licence for that purpose, if granted, shall not be subject to any rent or royalty.

(3) It shall be lawful for the Postmaster General, due regard being had to the maintenance and exercise of effective control over wireless telegraphy, to grant special licences at reduced terms for the establishment and working of wireless telegraph stations to be used exclusively for the transmission within the United Kingdom of news to public registered newspapers. A schedule of all reduced rents or royalties imposed by any special licences shall be laid before both Houses of Parliament within fourteen days of the commencement of the session next succeeding the grant of any such licences.

3.—SHORT TITLE AND EXTENT.—(1) This Act may be cited as the Wireless Telegraphy Act, 1904, and may be cited with the Telegraph Acts, 1863 to 1904.

(2) This Act shall extend to the whole of the British Islands and to all British ships in the territorial waters abutting on the coast of the British Islands, and the Royal Courts of the Channel Islands shall register this Act accordingly.

(3) His Majesty in Council may order that this Act shall, subject to any conditions, exceptions, and qualifications contained in the order, apply during the continuance of the order to British ships whilst on the high seas.

(4) A person shall not work any apparatus for wireless telegraphy installed on a foreign ship whilst that ship is in territorial waters otherwise than in accordance with regulations made in that behalf by the Postmaster General, and the Postmaster General may, by any such regulations, impose penalties recoverable summarily for the breach of any such regulations not exceeding ten pounds for each offence, and may provide for the forfeiture on any such breach of any apparatus for wireless telegraphy installed or worked on such ship. Save as aforesaid nothing in this Act shall apply to the working of apparatus for wireless telegraphy installed on any foreign ship.

4.—APPLICATION OF ACT TO SCOTLAND.—In the application of this Act to Scotland the expression "misdemeanour" means crime and offence.

5.—APPLICATION OF ACT TO CHANNEL ISLANDS AND ISLE OF MAN.—In the application of this Act to the Channel Islands and the Isle of Man—

(1) The lieutenant governor of the Island of Jersey or the Island of Guernsey, and the governor, lieutenant governor, or deputy governor of the Isle of Man, as the case may require, shall be substituted for the Board of Trade:

(2) Offences may be prosecuted, fines recovered, proceedings taken, and search

warrants issued in such courts and in such manner as may for the time being be provided in the Channel Islands and the Isle of Man by law, or, if no express provision is made, then in and before the courts and in the manner in which the like offences, fines, proceedings, and warrants may be prosecuted, recovered, taken, or issued therein by law, or as near thereto as circumstances admit, and the bailiff or his lieutenant, or any jurat of the Royal Court in the Island of Jersey or the Island of Guernsey, and the judge or any jurat of the Court of Alderney, and the high bailiff or two justices of the peace in the Isle of Man, shall respectively be substituted for a justice of the peace.

6.—Duration of Act.—This Act shall continue in force until the thirty-first day of July nineteen hundred and six, and no longer, unless Parliament otherwise determines.

CHAPTER XXV.

An Act to amend the Law with respect to Customs Duties in the Isle of Man. [15*th August* 1904.]

CHAPTER XXVI.

An Act to amend the Indian Councils Act, 1874. [15*th August* 1904.]

CHAPTER XXVII.

Secretary for Scotland Act, 1904 (s. 2).

An Act to authorise the transfer to the Secretary for Scotland of certain powers and duties under the Acts relating to Reformatory and Industrial Schools. [15*th August* 1904.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1.—Orders for Transferring to Secretary for Scotland Certain Powers Relating to Reformatory and Industrial Schools.—(1) The Secretary of State may, with the concurrence of the Treasury and the Secretary for Scotland, make orders transferring to, or making exercisable by, the Secretary for Scotland all or any of the powers and duties of the Secretary of State under any of the Acts, general or local, relating to reformatory and industrial schools, so far as those powers and duties relate to or are exercisable in Scotland.

(2) Orders made under this section shall be forthwith laid before Parliament, and the Rules Publication Act, 1893, shall, notwithstanding sub-section five of section one of that Act, apply to them as statutory rules, and publication in the Edinburgh Gazette of the notice required by the said section one shall be requisite in addition to publication in the London Gazette.

2.—Short Title.—This Act may be cited as the Secretary for Scotland Act, 1904, and may be cited with the Secretary for Scotland Acts, 1885 to 1889.

CHAPTER XXVIII.

Weights and Measures Act, 1904 (s. 1).

An Act to amend the Law relating to Weights and Measures. [15*th August* 1904.]

Whereas it is expedient to amend the Weights and Measures Acts, 1878 and 1889:

Be it therefore enacted by the King's most Excellent Majesty, by and with the

advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—SHORT TITLE.—This Act may be cited as the Weights and Measures Act, 1904.

2.—CONSTRUCTION.—This Act shall be construed as one with the Weights and Measures Acts, 1878 and 1889, and the Weights and Measures Acts, 1878 to 1897, and this Act may be cited collectively as the Weights and Measures Acts, 1878 to 1904.

3.—DEFINITIONS.—In this Act, unless the context otherwise requires—

The expression "the Weights and Measures Acts" means the Weights and Measures Acts, 1878 and 1889, and this Act:

The expression "the principal Act" means the Weights and Measures Act, 1878:

The expression "the Act of 1889" means the Weights and Measures Act, 1889.

4.—COMMENCEMENT.—This Act shall come into operation on the first day of January one thousand nine hundred and five.

5.—POWERS OF BOARD OF TRADE AS TO GENERAL REGULATIONS.—(1) The Board of Trade may make general regulations (hereinafter referred to as "the Board of Trade regulations") with respect to—

(*a*) the verification and stamping of weights and measures and weighing and measuring instruments, including the prohibition of stamping in cases where the nature, denomination, material, or principle of construction of the weight, measure, or instrument appears likely to facilitate the perpetration of fraud; and

(*b*) the circumstances and conditions under which, and the manner in which, stamps may be obliterated or defaced; and

(*c*) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures and weighing and measuring instruments; and

(*d*) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as respects any trade;

and generally for the guidance of local authorities in the execution and performance of their powers and duties under the Weights and Measures Acts.

(2) Any such regulations may confer on local authorities power to make special regulations as respects their areas in relation to the inspection of weights and measures and weighing instruments, and to other matters which, having due regard to uniformity of administration, appear to the Board of Trade to be matters which can be better regulated by special regulations.

(3) The Board of Trade regulations shall as soon as may be after they are made, be laid before Parliament, and shall have effect as if enacted in this Act.

(4) If any inspector refuses or wilfully neglects to act in compliance with the Board of Trade regulations, he shall be guilty of an offence under section forty-nine of the principal Act.

(5) As from the date when the Board of Trade regulations first made under this section come into force, the enactments mentioned in Part I. of the schedule to this Act shall be repealed to the extent specified in the third column of that schedule, and any general regulations and byelaws made thereunder shall cease to have effect.

6.—POWER OF BOARD OF TRADE TO GRANT CERTIFICATES OF SUITABILITY FOR USE OF APPLIANCES, &C.—It shall be the duty of the Board of Trade to examine and test, with reference to the material of which and the principle on which they are constructed, all such patterns of weights and measures and weighing or measuring instruments for use for trade as may be submitted to them by local authorities or manufacturers of or dealers in weights, measures, or weighing or measuring instruments. If upon such examination any such pattern is found not to be such as to facilitate the perpetration of fraud the Board of Trade shall give a certificate to that effect and shall cause such pattern to be stamped with an appropriate mark, and from and after the granting of such certificate an inspector shall not refuse to verify or stamp any weight or measure or weighing or measuring instrument made in accordance with that pattern on the ground that the material or principle of construction is such as to facilitate the perpetration of fraud. If upon such examination the Board of Trade decline to give such a certificate as aforesaid no weight or measure or weighing or

measuring instrument made in accordance with such pattern shall be deemed legal and no inspector shall verify or stamp any such weight, measure, or instrument.

The power to take fees conferred by section eight of the Act of 1889 shall extend to the taking of fees for examinations and tests made under this section.

7.—Powers of Board of Trade to Determine Question.—(1) If any difference arises between any inspector of weights and measures and any other person as to the meaning or construction of the Board of Trade regulations, or as to the method of testing or verifying any weight, measure, weighing or measuring instrument, such difference shall, on the request of either party, be determined by the Board of Trade, whose decision shall be final.

(2) The court before whom any proceedings under the Weights and Measures Acts are being taken shall, at the request of either party, and may, if they think fit to do so, without any such request, refer to the Board of Trade the question of the accuracy or efficiency of any weight, measure, or weighing or measuring instrument, the accuracy or efficiency of which is in dispute, and the decision of the Board of Trade shall be final; and any expenses incurred by the Board of Trade in making any test for the purpose shall be paid by the complainant or defendant as the Court may by order direct.

(3) The Board of Trade Arbitrations, &c., Act, 1874, shall apply as if this Act were a special Act within the meaning of the first-mentioned Act.

8.—Qualification for Appointment as Inspector of Weights and Measures.—(1) The Board of Trade shall provide for the holding of examinations for the purpose of ascertaining whether applicants for the post of inspector under a local authority nominated by that authority possess sufficient practical knowledge for the proper performance of the duties of inspectors of weights and measures, and for the grant of certificates to persons who satisfactorily pass such examinations.

(2) A person shall not be appointed to act as an inspector of weights and measures unless he has obtained such a certificate as aforesaid, and the appointment of any person as inspector made after the commencement of the Act of 1889 but before the commencement of this Act shall, unless before the commencement of this Act he has obtained a certificate under section eleven of the Act of 1889, be null and void.

(3) If any person not being an inspector duly appointed under the Weights and Measures Acts acts as such inspector, or if any person having been appointed an inspector after the commencement of the Act of 1889 acts as an inspector without having obtained a certificate either under section eleven of that Act or under this section, he shall be liable to a fine not exceeding ten pounds, or in the case of a second or subsequent offence twenty pounds.

(4) Sub-section three of section eleven of the Act of 1889 shall apply to the charging and application of fees in respect of examinations under this section, and sub-sections one and two of the said section eleven shall be repealed.

9.—Fees for Verification and Stamping.—It shall be lawful for His Majesty, by Order in Council, to specify new fees to be paid in respect of the verification and stamping of weights, measures, and weighing and measuring instruments in substitution for the fees specified in the First Schedule to the Act of 1889, and, as from the date on which the Order in Council comes into operation, the enactment mentioned in Part II. of the Schedule to this Act shall be repealed to the extent specified in the third column to that schedule. Any Order in Council so made may be varied or revoked by a subsequent Order in Council.

10.—Forging of Stamps.—(1) Any person who removes a stamp from any weight or measure or weighing or measuring instrument, and inserts the same into another weight or measure or weighing or measuring instrument, shall be deemed to forge or counterfeit a stamp within the meaning of section thirty-two of the principal Act.

(2) Such of the provisions of the said section as impose penalties on any person who wilfully increases or diminishes a weight after it has been stamped, or who knowingly uses, sells, utters, disposes of, or exposes for sale a weight so increased or diminished, shall apply to measures in like manner as they apply to weights.

11.—Explanation of the Law as to Bakers.—Nothing in the enactments

referred to in the Fourth Schedule to the Act of 1889 shall render any baker or seller of bread or journeyman servant or other person employed by such baker or seller of bread liable to any forfeiture or penalty for weighing any bread conveyed or carried out in any cart or other carriage by means of any of the instruments for weighing included in the definition "weighing instrument" in section thirty-five of the Act of 1889.

12.—VERIFICATION AND STAMPING BY LOCAL INSPECTORS OF WEIGHTS AND MEASURES.—The provisions of section forty-four of the principal Act shall apply to the verification and stamping, in accordance with the Board of Trade regulations, of weighing instruments used for trade in like manner as they apply to the verification and stamping of weights and measures, and for the purposes of those provisions as so amended any person having his principal place of business within any district shall be deemed to reside in that district, although he in fact is not resident there.

13.—AMENDMENTS.—(1) Section twenty-eight of the principal Act shall have effect as if in the second paragraph thereof the words "length or" were inserted before the word "capacity."

(2) Sub-section four of section fifty-seven of the principal Act shall have effect as if the words "unless such informer is an inspector of weights and measures" were inserted after the word "informer."

(3) In section four of the Act of 1889 the word "any" shall be substituted for the words "second or subsequent."

(4) Section seven of the Act of 1889 shall have effect as if before the words "provide for" there were inserted the words "and if so directed by the Board of Trade shall."

(5) In section thirteen of the Act of 1889 for the words "no discount shall be allowed" there shall be substituted the words "no discount commission or rebate of any kind shall be given nor any allowance made by such inspector or by the local authority for the use of tools, premises, machinery, or instruments or assistance rendered for the purposes of such verification and stamping, except when such verification and stamping take place on the premises of a glass or earthenware manufacturer, in which case such adequate and reasonable allowance as may be agreed upon by the local authority, with the consent of the Board of Trade, may be made in respect of such use or assistance as aforesaid."

14.—POWER FOR INSPECTORS TO PROSECUTE.—An inspector of weights and measures may, with the consent of the local authority, prosecute before a court of summary jurisdiction or justices any information, complaint or proceeding arising under the Weights and Measures Acts, or in the discharge of his duties as such inspector.

15.—AMENDMENT OF 41 & 42 VICT. C. 49, S. 45, AS TO WEIGHING INSTRUMENTS. —Section forty-five of the principal Act shall apply to weighing instruments in like manner as it applies to weights and measures.

16.—AMENDMENT OF S. 35 OF 52 & 53 VICT. C. 21.—The definition of "weighing instrument" in section thirty-five of the Act of 1889 shall include a weighing instrument constructed to also calculate and indicate the price in money.

SCHEDULE.

PART I. (S. 5).—ENACTMENTS REPEALED AS FROM THE DATE WHEN BOARD OF TRADE REGULATIONS FIRST MADE COME INTO FORCE.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 49.	The Weights and Measures Act, 1878.	Section thirty. In section forty-three the words "and where they appoint more than one such inspector, shall allot to each inspector, subject to any arrangement made for a chief inspector or inspectors, a separate district, to be distinguished by some name, number, or mark." Section fifty-three.
52 & 53 Vict. c. 21.	The Weights and Measures Act, 1889.	Section nine.

PART II. (S. 9).—ENACTMENT REPEALED AS FROM THE DATE WHEN ORDER IN COUNCIL FIXING NEW FEES COMES INTO FORCE.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 21.	The Weights and Measures Act, 1889.	First Schedule.

CHAPTER XXIX.

EXPIRING LAWS CONTINUANCE ACT, 1904 (S. 2).

An Act to continue various Expiring Laws. [15*th August* 1904.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and four:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—CONTINUANCE OF ACTS IN SCHEDULE.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and five, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2.—SHORT TITLE.—This Act may be cited as the Expiring Laws Continuance Act, 1904.

SCHEDULE.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 5 & 6 Will. 4, c. 27.	The Linen Manufactures (Ireland) Act, 1835.	The whole Act.	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2.) 3 & 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	——
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act.	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 & 22 Vict. c. 50.	——
(5.) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act.	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114, s. 10.
(6.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29 s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 23 & 24 Vict. c. 19.	The Labourers (Ireland) Act, 1860.	The whole Act.	——
(8.) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act.	45 & 46 Vict. c. 61.
(9.) 7 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	——
(10.) 28 & 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act.	45 & 46 Vict. c. 49.
(11.) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act.	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77 (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(12.) 29 & 30 Vict. c. 52.	The Prosecutions Expenses Act, 1866.	The whole Act.	——
(13.) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(14.) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act.	34 & 35 Vict. c. 61.
(15.) 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
(16.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(17.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——
(18.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872.	The whole Act.	45 & 46 Vict. c. 50 (Municipal Elections).
(19.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act.	46 & 47 Vict. c. 51, s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(20.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37, s. 69.
(21.) 41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878.	The whole Act.	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(22.) 41 & 42 Vict. c. 72.	The Sale of Liquors on Sunday (Ireland) Act, 1878.	The whole Act.	——
(23.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act.	46 & 47 Vict c. 51.
(24.) 43 & 44 Vict. c. 42.	The Employers Liability Act, 1880.	The whole Act.	——
(25.) 44 & 45 Vict. c. 5.	The Peace Preservation (Ireland) Act, 1881.	The whole Act.	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 20.
(26.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act.	58 & 59 Vict. c. 40.
(27.) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7, c. 37, Part IV.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(28.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act.	56 & 57 Vict. c. 73.
(29.) 49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(30.) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	——
(31.) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(32.) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(33.) 59 Vict. c. 18.	The Local Government (Elections) Act, 1896.	The whole Act.	——
(34.) 59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	As to the powers of the Light Railway Commissioners.	——
(35.) 61 & 62 Vict. c. 49.	The Vaccination Act, 1898.	The whole Act.	——

CHAPTER XXX.

An Act to provide for the foundation of Bishoprics of Southwark and Birmingham and for matters incidental thereto. [15*th August* 1904.]

CHAPTER XXXI.

SHOP HOURS ACT, 1904 (S. 10).

An Act to provide for the Early Closing of Shops. [15*th August* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—CLOSING ORDER.—An order (in this Act referred to as "a closing order") made by a local authority, and confirmed by the central authority, in manner provided by this Act, may fix the hours on the several days of the week at which, either

throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.

2.—CONTENTS AND EFFECT OF ORDER.—(1) The hour fixed by a closing order (in this Act referred to as "the closing hour") shall not be earlier than seven o'clock in the evening on any day of the week, except that on one specified day in the week it may be an hour not earlier than one o'clock in the afternoon.

(2) A closing order may prohibit, either absolutely or subject to such exemptions and conditions as may be contained in the order, the carrying on of any retail trade after the closing hour in any place, not being a shop, within the area to which the order applies, for the carrying on of which it would be unlawful to keep a shop open after that hour.

(3) The order may—

(*a*) define the shops and trades to which the order applies; and

(*b*) authorise sales after the closing hour in cases of emergency and in such other circumstances as may be specified or indicated in the order; and

(*c*) contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.

(4) Nothing in a closing order shall apply to any fair lawfully held or a bazaar for charitable purposes, nor to any shop where the only trade or business carried on is one or more of the trades or businesses mentioned in the Schedule to this Act.

(5) Where several trades and businesses are carried on in the same shop and any of those trades or businesses are of such a nature that if they were the only trades or businesses carried on in the shop the closing order would not apply to the shop, the shop may be kept open after the closing hour for the purposes of those trades and businesses alone, but on such terms and under such conditions as may be specified in the order:

Provided that the terms and conditions as respects post office business shall be subject to the approval of the Postmaster General.

3.—PROCEDURE FOR MAKING ORDERS.—(1) Whenever a local authority are satisfied that a *primâ facie* case is made out for making a closing order, the authority shall give public notice in the prescribed manner and in the prescribed form of their intention to make an order, specifying therein a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

(2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and the order shall be submitted to the central authority, and the central authority shall consider any objections to the order, and may either disallow the order or confirm the order with or without amendment.

(3) As soon as the central authority have confirmed any order, the order shall become final and have the effect of an Act of Parliament:

Provided that every closing order shall be laid before each House of Parliament as soon as may be after it is confirmed, and, if an address is presented to His Majesty by either House within the next subsequent forty days on which that House has sat after any such order is laid before it praying that the order may be cancelled, His Majesty in Council may annul the order, and any order so annulled shall thenceforth become void and of no effect, but without prejudice to any proceedings which may in the meantime have been taken under the order and without prejudice to the power of making any new closing order.

4.—REVOCATION OF ORDER.—The central authority may at any time on the application of the local authority revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply to the central authority to revoke the order in so far as it affects that class of shops, but any such revocation shall be without prejudice to the making of any new closing order.

5.—PENALTIES FOR OFFENCES.—If any person contravenes the provisions of a closing order he shall be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding in the case of a first offence one pound, in the case of a second offence five pounds, and in the case of a third or subsequent offence twenty pounds:

Provided that nothing in this Act or in any order shall render a person liable to any penalty for serving after the closing hour any customer who was in the shop before the closing hour.

6.—LOCAL INQUIRIES.—The central authority may for the purposes of any of their powers and duties under this Act cause a local inquiry to be held, and the costs incurred in relation to any such inquiry, including the salary of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority concerned, and the central authority may certify the amount of the costs incurred. Any sums so certified shall be a debt to the Crown from the local authority.

7.—REGULATIONS.—The central authority may make regulations—

(*a*) for prescribing anything which under this Act is to be prescribed; and

(*b*) as to the mode of ascertaining the opinion of occupiers of shops; and

(*c*) as to conduct of local inquiries and matters incidental thereto; and

(*d*) as to the procedure for obtaining the revocation of a closing order; and

(*e*) generally for carrying into effect the provisions of this Act.

8.—DEFINITIONS.—(1) In this Act the expression "local authority" in London outside the city means a metropolitan borough council, and elsewhere means the council of an urban district with a population according to the census of one thousand nine hundred and one of over twenty thousand, and any council or other authority having power to appoint inspectors under the Shop Hours Acts, 1892 to 1895, and the provisions of those Acts relating to offences and proceedings, the appointment, powers and salaries of inspectors, and the expenses of local authorities, shall apply as if they were herein re-enacted and in terms made applicable to this Act, and as if references to the occupier of a shop were substituted for references to the employer of a young person.

(2) Any expenses incurred by a metropolitan borough council under this Act shall be defrayed as part of the expenses of the council, and the expenses of an urban district council shall be defrayed as part of the general expenses incurred in the execution of the Public Health Acts.

(3) In this Act, unless the context otherwise requires—

The expression "shop" includes any premises or place where retail trade (including the business of a barber) is carried on:

The expression "central authority" means in England a Secretary of State, in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant.

9.—POWER OF COUNTY COUNCILS TO DELEGATE POWERS UNDER THE SHOP HOURS ACTS, 1892 TO 1895.—Where an order under this Act is in force in any metropolitan borough or urban district, the council of the county in which the borough or district is situate may delegate to the council of the borough or district, either with or without any restrictions or conditions as they think fit, their powers under the Shop Hours Acts, 1892 to 1895.

10.—SHORT TITLE.—This Act may be cited as the Shop Hours Act, 1904, and the Shop Hours Acts, 1892 to 1895, and the Seats for Shop Assistants Act, 1899, and this Act, may be cited together as the Shops Regulation Acts, 1892 to 1904.

SCHEDULE (s. 2).

Post Office business.

The sale of medicines and medical and surgical appliances.

The sale by retail of intoxicating liquors for consumption on or off the premises.

The sale of refreshments for consumption on the premises.

The sale of tobacco and other smokers' requisites.

The sale of newspapers.

The business carried on at a railway bookstall or at a railway refreshment room.

CHAPTER XXXII.

An Act to amend the Outdoor Relief Friendly Societies Act, 1894. [15*th August* 1904.]

CHAPTER XXXIII.

ANGLO-FRENCH CONVENTION ACT, 1904 (S. 2).

An Act for approving and carrying into Effect a Convention between His Majesty and the President of the French Republic. [15*th August* 1904.]

WHEREAS His Majesty the King and the President of the French Republic have, subject to the approval of their respective Parliaments, concluded the Convention set out in the schedule to this Act, and it is expedient to give such approval:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—APPROVAL OF CONVENTION.—(1) The approval of Parliament is hereby given to the Convention set out in the Schedule to this Act, and it shall be lawful for His Majesty the King to do everything which appears to His Majesty necessary or proper for carrying into effect that Convention.

(2) Any sums payable by way of indemnity under the said Convention, and any expenses to be incurred in carrying it into effect, shall be defrayed out of moneys provided by Parliament.

2.—SHORT TITLE.—This Act may be cited as the Anglo-French Convention Act, 1904.

SCHEDULE.

CONVENTION SIGNED AT LONDON THE 8TH OF APRIL 1904.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, having resolved to put an end, by a friendly Arrangement, to the difficulties which have arisen in Newfoundland, have decided to conclude a Convention to that effect, and have named as their respective Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs; and

The President of the French Republic, his Excellency Monsieur Paul Cambon, Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows, subject to the approval of their respective Parliaments:—

ARTICLE I.—France renounces the privileges established to her advantage by Article XIII. of the Treaty of Utrecht, and confirmed or modified by subsequent provisions.

ARTICLE II.—France retains for her citizens, on a footing of equality with British subjects, the right of fishing in the territorial waters on that portion of the coast of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north; this right shall be exercised during the usual fishing season closing for all persons on the 20th October of each year.

The French may therefore fish there for every kind of fish, including bait and also shell fish. They may enter any port or harbour on the said coast, and may

there obtain supplies or bait and shelter on the same conditions as the inhabitants of Newfoundland, but they will remain subject to the local Regulations in force: they may also fish at the mouths of the rivers, but without going beyond a straight line drawn between the two extremities of the banks, where the river enters the sea.

They shall not make use of stake-nets or fixed engines without permission of the local authorities. On the above-mentioned portion of the coast, British subjects and French citizens shall be subject alike to the Laws and Regulations now in force, or which may hereafter be passed for the establishment of a close time in regard to any particular kind of fish, or for the improvement of the fisheries. Notice of any fresh Laws or Regulations shall be given to the Government of the French Republic three months before they come into operation.

The policing of the fishing on the above-mentioned portion of the coast, and for prevention of illicit liquor traffic and smuggling of spirits, shall form the subject of Regulations drawn up in agreement by the two Governments.

ARTICLE III.—A pecuniary indemnity shall be awarded by His Britannic Majesty's Government to the French citizens engaged in fishing or the preparation of fish on the "Treaty Shore," who are obliged, either to abandon the establishments they possess there, or to give up their occupation, in consequence of the modification introduced by the present Convention into the existing state of affairs.

This indemnity cannot be claimed by the parties interested unless they have been engaged in their business prior to the closing of the fishing season of 1903.

Claims for indemnity shall be submitted to an Arbitral Tribunal, composed of an officer of each nation, and, in the event of disagreement, of an Umpire appointed in accordance with the procedure laid down by Article XXXII. of The Hague Convention. The details regulating the constitution of the Tribunal and the conditions of the inquiries to be instituted for the purpose of substantiating the claims, shall form the subject of a special Agreement between the two Governments.

ARTICLE IV.—His Britannic Majesty's Government, recognising that, in addition to the indemnity referred to in the preceding Article, some territorial compensation is due to France in return for the surrender of her privilege in that part of the Island of Newfoundland referred to in Article II., agree with the Government of the French Republic to the provisions embodied in the following Articles:—

ARTICLE V.—The present frontier between Senegambia and the English Colony of the Gambia shall be modified so as to give to France Yarbutenda and the lands and landing places belonging to that locality.

In the event of the river not being open to maritime navigation up to that point, access shall be assured to the French Government at a point lower down on the River Gambia, which shall be recognized by mutual agreement as being accessible to merchant ships engaged in maritime navigation.

The conditions which shall govern transit on the River Gambia and its tributaries, as well as the method of access to the point that may be reserved to France in accordance with the preceding paragraph, shall form the subject of future agreement between the two Governments.

In any case, it is understood that these conditions shall be at least as favourable as those of the system instituted by application of the General Act of the African Conference of the 26th February 1885, and of the Anglo-French Convention of the 14th June 1898, to the English portion of the basin of the Niger.

ARTICLE VI.—The group known as the Iles de Los, and situated opposite Konakry, is ceded by His Britannic Majesty to France.

ARTICLE VII.—Persons born in the territories ceded to France by Articles V. and VI. of the present Convention may retain British nationality by means of an individual declaration to that effect, to be made before the proper authorities by themselves, or, in the case of children under age, by their parents or guardians.

The period within which the declaration of option referred to in the preceding paragraph must be made, shall be one year, dating from the day on which French authority shall be established over the territory in which the persons in question have been born.

Native laws and customs now existing will, as far as possible, remain undisturbed.

In the Iles de Los, for a period of thirty years from the date of exchange of the

ratifications of their present Convention, British fishermen shall enjoy the same rights as French fishermen with regard to anchorage in all weathers, to taking in provisions and water, to making repairs, to transhipment of goods, to the sale of fish, and to the landing and drying of nets, provided always that they observe the conditions laid down in the French Laws and Regulations which may be in force there.

ARTICLE VIII.—To the east of the Niger the following line shall be substituted for the boundary fixed between the French and British possessions by the Convention of the 14th June 1898, subject to the modifications which may result from the stipulations introduced in the final paragraph of the present Article.

Starting from the point on the left bank of the Niger laid down in Article III. of the Convention of the 14th June 1898, that is to say, the median line of the Dallul Mauri, the frontier shall be drawn along this median line until it meets the circumference of a circle drawn from the town of Sokoto as a centre, with a radius of 160,932 mètres (100 miles). Thence it shall follow the northern arc of this circle to a point situated 5 kilomètres south of the point of intersection of the above-mentioned arc of the circle with the route from Dosso to Mantankari *viâ* Maourédé.

Thence it shall be drawn in a direct line to a point 20 kilomètres north of Konni (Birni-N'Kouni), and then in a direct line to a point 15 kilomètres south of Maradi, and thence shall be continued in a direct line to the point of intersection of the parallel of 13° 20′ north latitude with a meridian passing 70 miles to the east of the second intersection of the 14th degree of north latitude and the northern arc of the above-mentioned circle.

Thence the frontier shall follow in an easterly direction the parallel of 13° 20′ north latitude until it strikes the left bank of the River Komadugu Waubé (Komadougou Ouobé), the thalweg of which it will then follow to Lake Chad. But, if before meeting this river the frontier attains a distance of 5 kilomètres from the caravan route from Zinder to Yo, through Sua Kololua (Soua Kololoua), Adeber, and Kabi, the boundary shall then be traced at a distance of 5 kilomètres to the south of this route until it strikes the left bank of the River Komadugu Waubé (Komadougou Ouobé), it being nevertheless understood that, if the boundary thus drawn should happen to pass through a village, this village, with its lands, shall be assigned to the Government to which would fall the larger portion of the village and its lands. The boundary will then, as before, follow the thalweg of the said river to Lake Chad.

Thence it will follow the degree of latitude passing through the thalweg of the mouth of the said river up to its intersection with the meridian running 35′ east of the centre of the town of Kouka, and will then follow this meridian southwards until it intersects the southern shore of Lake Chad.

It is agreed, however, that, when the Commissioners of the two Governments at present engaged in delimiting the line laid down in Article IV. of the Convention of the 14th June 1898 return home and can be consulted, the two Governments will be prepared to consider any modifications of the above frontier line which may seem desirable for the purpose of determining the line of demarcation with greater accuracy. In order to avoid the inconvenience to either party which might result from the adoption of a line deviating from recognized and well-established frontiers, it is agreed that in those portions of the projected line where the frontier is not determined by the trade routes, regard shall be had to the present political divisions of the territories, so that the tribes belonging to the territories of Tessaoua-Maradi and Zinder shall, as far as possible, be left to France, and those belonging to the territories of the British zone shall, as far as possible, be left to Great Britain.

It is further agreed that, on Lake Chad, the frontier line shall, if necessary, be modified so as to assure to France a communication through open water at all seasons between her possessions on the north-west and those on the south-east of the Lake, and a portion of the surface of the open waters of the Lake at least proportionate to that assigned to her by the map forming Annex 2 of the Convention of the 14th June 1898.

In that portion of the River Komadugu which is common to both parties, the populations on the banks shall have equal rights of fishing.

ARTICLE IX.—The present Convention shall be ratified, and the ratifications shall be exchanged, at London, within eight months, or earlier if possible.

In witness whereof his Excellency the Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty's Principal Secretary of State for Foreign Affairs, duly authorized for that purpose, have signed the present Convention and have affixed thereto their seals.

CHAPTER XXXIV.

An Act to explain and amend Section forty-eight of the Irish Land Act, 1903, *with respect to the payment and application of the percentage provided by the said section.* [15*th August* 1904.]

CHAPTER XXXV.

PRISONS (SCOTLAND) ACT, 1904 (S. 2).

An Act to amend the Law relating to prisons in Scotland by abolishing the distinction between general prisons and ordinary prisons. [15*th August* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—GENERAL PRISONS TO BE ORDINARY PRISONS.—(1) All existing general prisons in Scotland shall be ordinary prisons within the meaning of the Prisons (Scotland) Act, 1877, and any reference in any Act to an ordinary prison shall be deemed to include a reference to an existing general prison.

(2) The words "other than the General Prison at Perth or any prison which may hereafter be declared by Her Majesty in Council to be a general prison" occurring in section seventy-one of the Prisons (Scotland) Act, 1877, and the words "which prison may be declared by Her Majesty in Council to be a general prison in terms of the provision of the said Act" occurring in section twenty-three of the Peterhead Harbour of Refuge Act, 1886, are hereby repealed.

2.—SHORT TITLE.—This Act may be cited as the Prisons (Scotland) Act, 1904, and this Act and the Prisons (Scotland) Acts, 1860 to 1887, may be cited as the Prisons (Scotland) Acts, 1860 to 1904.

CHAPTER XXXVI.

PUBLIC WORKS LOANS ACT, 1904 (S. 5).

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [15*th August* 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—GRANTS FOR PUBLIC WORKS.—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely :—

(*a*) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of four million five hundred thousand pounds;

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of nine hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into

operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

2.—Certain Debts not to be Reckoned as Assets of Local Loans Fund.—Whereas it is expedient that the principal of the several local loans specified in the schedule to this Act should, to the extent specified in the last column of that schedule, not be reckoned as assets of the Local Loans Fund established under the National Debt and Local Loans Act, 1887; therefore, the principal of the said loans shall to that extent be written off from the assets of the Local Loans Fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

3.—Power to apply Excess Income of Local Loans Fund to meet Deficiencies in Capital Account.—If at any time there is a deficiency in the capital account of the Local Loans Fund caused by the issue of local loans stock at a discount, any securities or money standing to the credit of the separate account to which, under sub-section (3) of section four of the Public Works Loans Act, 1897, excess income of the Local Loans Fund is carried may, with the consent of the Treasury, be applied in meeting the deficiency so caused, and for that purpose the National Debt Commissioners may sell any such securities.

4.—Remission of a Sum due by way of Interest from the Guardians of the Bellmullet Union.—Whereas the guardians of the Union of Bellmullet in the county of Mayo by not repaying when due the instalments of a loan made to them under the Seed Supply and Potato Spraying (Ireland) Act, 1898, have become liable to pay under the provisions of the Public Works Loans Act, 1897, interest to the amount of sixty-six pounds six shillings and one penny, and it is expedient to remit the said sum; therefore the said sum is hereby remitted.

5.—Short Title.—This Act may be cited as the Public Works Loans Act, 1904.

SCHEDULE.

Part I.—Loans by the Commissioners of Public Works, Ireland.

(1) Loans under the Landed Property Improvement (Ireland) Act, 1847 (10 Vict. c. 32).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
William Linihan	150 0 0	87 16 6
Thomas Fuller	400 0 0	273 16 5
Michael McMahon	25 0 0	18 19 1
Humphrey Kelleher	85 0 0	34 10 10

(2) Loans under the Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49, s. 31).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
David Buckley	150 0 0	74 5 7
Michael Norris	320 0 0	69 1 7
George Hewson	350 0 0	95 5 11

PART II.—LOAN BY THE IRISH LAND COMMISSIONERS.

LOAN UNDER THE PURCHASE OF LAND (IRELAND) ACT, 1885 (48 & 49 Vict. c. 73, s. 2).

Name of Borrower.	Amount of Loan.	Amount to be Written off.
	£ s. d.	£ s. d.
Peter Marron	514 0 0	8 11 6

PART III.—LOANS BY THE FISHERY BOARD FOR SCOTLAND.

LOANS UNDER THE CROFTERS' HOLDINGS (SCOTLAND) ACT, 1886 (49 & 50 Vict. c. 29).

Names of Borrowers.	Fishery District.	Amount of Loan.	Amount to be Written off.
		£	£ s. d.
James Cook and William Cook	Wick.	102	18 2 0
Alexander Shearer, William Shearer, and John Anderson	Wick.	120	17 6 8

APPENDIX.

ACT OF SEDERUNT FOR REGULATING THE FEES PAYABLE UNDER THE LICENSING (SCOTLAND) ACT, 1903, TO SHERIFF-CLERKS, TOWN-CLERKS, AND CLERKS OF THE PEACE. [*7th July* 1904.]

THE Lords of Council and Session, considering that by the Licensing (Scotland) Act, 1903, 3 Edward 7th, cap. 25, sect. 27, sub-sect. (3), it is provided that "It shall be lawful for the Court of Session, on the application of the Lord Advocate, from time to time by Act of Sederunt, to prescribe a table or tables of fees payable to a sheriff-clerk or town-clerk for anything done under this Act, and of fees payable to a clerk of the peace for anything done under this Act or otherwise; and any table so prescribed shall have full force and effect notwithstanding any general or special provision contained in this or any other Act; and thereafter no such clerk as aforesaid shall demand or receive any greater or additional fee or remuneration for anything so done than is authorised in such table." And considering that an application has been made to the said Lords by the Lord Advocate, praying that an Act of Sederunt should be passed in terms of the said Act, and the said Lords having considered the said application, do enact and prescribe as follows:—That on and after the twentieth day of July nineteen hundred and four, the sheriff-clerks, town-clerks, and clerks of the peace shall be entitled to charge for work done under the said Licensing (Scotland) Act, 1903, the fees specified in the table annexed hereto until the same shall be altered in terms of law in place of the fees hitherto chargeable by them. And the Lords appoint this Act of Sederunt and the annexed table to be inserted in the Books of Sederunt, and to be printed and published in common form.

KINROSS, *I.P.D.*

TABLE OF FEES payable to the Sheriff-clerks, Town-clerks, and Clerks of the Peace under the Licensing (Scotland) Act, 1903.

	s.	d
1. Each printed copy of form of application for certificate of a public-house, inn, &c.	0	6
2. Lodging application for certificate of registration of a club, or for renewal	5	0
3. Lodging application for certificate, or for renewal for inn, hotel, public-house, &c.	5	0
4. Lodging application by executors, representatives, or disponees of a deceased applicant, under sect. 33	2	6
5. Inspection of applications or the rules of a club, by other than the parties to the application, and, in the case of clubs, those specially exempted under sect. 77 (1) of the Act—		
For each hour or part of an hour	1	0
6. Lodging application for transfer of certificate of inn, hotel, public-house, &c.	5	0
7. Lodging plans	2	6
8. Lodging objections	5	0
If proof led, each party before commencement of proof	5	0
9. Certificate of registration of a club, or renewal	3	0
10. Certificate of an inn, hotel, public-house, &c., or renewal	3	0
11. Transfer certificate	3	0
12. Duplicate certificate	1	0
13. Special permission	5	0
14. Lodging appeal to the Licensing Appeal Court or Quarter Sessions, and finding caution	5	0
15. Hearing and deciding appeal	5	0
16. Confirmation	7	6
17. Lists for Inland Revenue of names of persons to whom certificates have been granted—		
If not more than 25 names	2	6
For each name beyond 25	0	1

	s.	d.
18. Summary complaints—		
For each complaint	2	6
For whole proceedings at trial—		
If proof not led	2	6
If proof led	5	0
19. Search warrants	2	6
20. Warrant to cite witnesses	1	0
21. Extracts of convictions, orders, or warrants, also certified copies of any proceedings or judgment, per sheet of 250 words	1	0
22. Certificate that appellant has made consignation and found security for expenses in appeal to the High Court of Justiciary	5	0

KINROSS, *I. P. D.*

ACT OF SEDERUNT FOR REGULATING THE FEES PAYABLE TO THE CLERKS OF THE INFERIOR COURTS FOR PREPARING AND DRAWING CASES STATED UNDER THE SUMMARY PROSECUTIONS APPEALS (SCOTLAND) ACT, 1875. [7*th July* 1904.]

THE Lords of Council and Session, in pursuance of the power vested in them by sect. 3, sub-sect. 1 (2), of the Summary Prosecutions Appeals (Scotland) Act, 1875, 38 & 39 Vict. cap. 62, do enact and prescribe as follows:—That on and after the twentieth day of July next the fees payable to the clerks of the Inferior Courts under the said Act for preparing and drawing cases to the Superior Courts shall, notwithstanding the fees set forth in Schedule D annexed to the said Act, be in all cases £1, 10s. And the Lords appoint this Act of Sederunt, to be inserted in the Books of Sederunt, and to be printed and published in common form.

KINROSS, *I. P. D.*

ACT OF SEDERUNT ANENT JUDICIAL FACTORIES IN THE SHERIFF-COURTS OF SCOTLAND. [15*th July* 1904.]

THE Lords of Council and Session, in pursuance of the powers vested in them by the Judicial Factors (Scotland) Act, 1880, do hereby enact and declare as follows:—

1. The Accountant of Court shall allow as a charge against the factory estate (1) the premium paid by the judicial factor where a company bond of caution has been accepted, or such part thereof as he deems proper; and (2) the expense of the necessary procedure in obtaining the approval of a bond of caution, or the limitation of the amount; but the fact of such charge shall be taken into account by the Accountant of Court in fixing the factor's remuneration.

2. The expression "judicial factor" in this Act has the same meaning as is assigned to it in the Judicial Factors (Scotland) Act, 1880, and also includes guardians where caution is required.

ACT OF SEDERUNT AS TO THE FINDING OF CAUTION IN JUDICIAL FACTORIES, AND THE PROCEDURE THEREIN: AND AS TO THE REMUNERATION OF FACTORS. [15*th July* 1904.]

THE Lords of Council and Session, in pursuance of the powers vested in them by the Judicial Factors Act, 1849, the Court of Session Act, 1868, and the Judicial Factors (Scotland) Act, 1889, do hereby enact and declare as follows:—

1. The duties of the principal clerks of Court relative to the finding of caution by judicial factors, including the sufficiency of the caution and the form and execution of

the bond, shall be and are hereby transferred to the Accountant of Court; and the provisions of sec. 102 of the Court of Session Act, 1868, are hereby repealed so far as inconsistent herewith.

2. On a judicial factor being appointed subject to caution being found, the process shall be forthwith transmitted to the Accountant of Court, in order that the matter of caution may be dealt with; and

(*a*) Where a private cautioner without limitation is proposed, the Accountant of Court shall, on the bond of caution being delivered to him, and on being satisfied as to its form and due execution, and as to the sufficiency of the cautioner, make a marking on the interlocutor sheet to the effect that caution has been received, adding his signature and the date; and such marking shall be an authority for extract of the appointment;

(*b*) Where it is proposed that the caution be limited by the Court, as authorised by sec. 27 of the Judicial Factors Act, 1849, whether in the case of a private cautioner or of a public company, the Accountant of Court shall, after such inquiry as he thinks requisite, report on the proposed limitation to the Lord Ordinary, who may approve of or vary the limitation proposed without enrolment or motion, unless any party having interest shall have intimated to the clerk of the process that he desires to be heard;

(*c*) During the subsistence of a factory the Accountant may, with the approval of the Lord Ordinary, which may be obtained without enrolment or motion, call upon the factor to increase the amount of the existing cautionary bond, or to find new or additional caution, or to procure a company bond in substitution for or in addition to that of an existing private cautioner; and the Accountant may, with the like approval, authorise the factor to decrease the amount of the existing caution;

(*d*) The Accountant shall, in January yearly, prepare and submit a list of approved guarantee companies for the consideration and approval of the Court.

3. The Accountant of Court shall allow as a charge against the factory estate (1) the premium paid by the factor where a company bond of caution has been accepted, or such part thereof as he deems proper; and (2) the expense of the necessary procedure in obtaining the approval of a bond of caution or the limitation of the amount; but the fact of such charge shall be taken into account by the Accountant of Court in fixing the factor's remuneration.

4. The expression "judicial factor" in this Act includes *curator bonis*, factor *loco tutoris*, factor *loco absentis*, and factor on trust or other estates, and also includes guardians where caution is required.

5. This Act shall not affect the procedure as to bonds of caution in bankruptcy and in the liquidation of public companies.

TABLE OF ALTERATIONS

ON

THE SCOTS STATUTES REVISED

AND ON

THE SCOTS STATUTES

BY THE LEGISLATION OF

4 EDWARD VII. (1904).

NOTE.—*The* Scots Acts *are referred to by the chapter as in the 12mo Edition;* The Scots Statutes Revised *by the Volume and Page; and* The Scots Statutes *by the Year and Page. The continuation of Acts by the Expiring Laws Continuance Act (cap. 29) are not noted in this Table.*

Vol.	Page.	Act.	Alterations.
Scots Statutes Revised.			
II.	616	5 & 6 V. c. 47	Applied by 4 E. VII. c. 6, sec. 1 (5).
III.	404	16 & 17 V. c. 34	Sec. 54 applied by 4 E. VII. c. 7, sec. 9.
IV.	2	17 & 18 V. c. 31	Sec. 2 amended by 4 E. VII. c. 19, sec. 2.
„	303	24 & 25 V. c. 14	Sec. 2 amended, and sec. 6 applied, and part of sec. 9 repealed by 4 E. VII. c. 8, secs. 11 and 9 (2).
„	463	26 & 27 V. c. 7	Sec. 1 amended by 4 E. VII. c. 7, sec. 3 (1) and schedule.
„	473	„ „ 25	Secs. 6 and 7 repealed by 4 E. VII. c. 8, sec. 9 (2) and schedule.
„	498	„ „ 87	Sec. 10 amended by 4 E. VII. c. 8, sec. 4.
„	511	„ „ 87	Sec. 60 repealed in part by 4 E. VII. c. 8, schedule.
V.	493	32 & 33 V. c. 103	Amended by 4 E. VII. c. 7, sec. 6 (2).
„	583	33 & 34 V. c. 79	Sec. 19 repealed by 4 E. VII. c. 14, sec. 2.
VI.	189	37 & 38 V. c. 40	Applied by 4 E. VII. c. 28, sec. 7 (3).
„	203	„ „ 73	Sec. 3 repealed in part by 4 E. VII. c. 8, schedule.
„	295	38 & 39 V. c. 62	Applied by 4 E. VII. c. 15, sec. 19.
„	344	39 & 40 V. c. 35	Sec. 2 repealed by 4 E. VII. c. 6, sec. 4 (1).
„	345	„ „	Schedule amended by 4 E. VII. c. 7, sec. 6.
„	495	40 & 41 V. c. 53	Sec. 71 repealed in part by 4 E. VII. c. 35, sec. 1 (2).
„	580	41 & 42 V. c. 49	Secs. 30, 53 and part of 43 repealed by 4 E. VII. schedule I.
„	580	„ „	Secs. 32, 44 and 45 extended, and secs. 28 and 57 (4) amended by 4 E. VII. c. 28, secs. 10, 12, 15 and 13.
VII.	4	42 & 43 V. c. 19	Extended by 4 E. VII. c. 15, sec. 11, to "habitual drunkards" convicted under that Act.
„	15	„ „ 34	Offences under this Act may by 4 E. VII. c. 15, be dealt with under that Act.
„	137	43 & 44 V. c. 33	Sec. 1 (3) repealed in part by 4 E. VII. c. 14, sec. 1.
„	142	„ „ 35	Sec. 5 applied by 4 E. VII. c. 4, sec. 2.
„	143	„ „	Sec. 9 repealed in part, and schedule as amended extended to St. Kilda, by 4 E. VII. c. 10, sec. 1.
„	144	„ „ 36	Sec. 1 repealed in part by 4 E. VII. c. 8, schedule.

TABLE OF ALTERATIONS—*continued.*

Vol.	Page.	Act.	Alterations.
Scots Statutes Revised.			
VII.	192	44 & 45 V. c. 55	Sec. 5 repealed by 4 E. VII. c. 8, schedule.
„	210	„ „ 58	Secs. 46 (8), 83 (7), 95 (2), 137, 145, 175, 179 (21), 182 (2), 190 (23) and schedule II. amended, and sec. 156 (9) extended by 4 E. VII. c. 5, secs. 4, 5, 6 (1), 7, 8, 10, 11, 12, 6 (2), 13 and 9.
„	563	48 & 49 V. c. 69	Sec. 5 amended by 4 E. VII. c. 15, sec. 27.
„	565	„ „	Offences under sec. 11 against children under 16 may by 4 E. VII. c. 15, be dealt with under that Act.
VIII.	38	49 & 50 V. c. 49	Sec. 23 repealed in part by 4 E. VII. c. 35, sec. 1 (2).
„	48	50 & 51 V. c. 15	Sec. 4 amended by 4 E. VII. c. 7, sec. 3 (2).
„	172	51 & 52 V. c. 19	Extended by 4 E. VII. c. 15, sec. 11, to "habitual drunkards" convicted under that Act.
„	221	52 & 53 V. c. 21	Secs. 4, 7, 13 and 35 amended by 4 E. VII. c. 28, secs. 13 and 16.
„	222	„ „	Sec. 8 extended by 4 E. VII. c. 28, sec. 6.
„	222	„ „	Sec. 9 and first schedule repealed, and sec. 11 amended by 4. E. VII. c. 28, schedules I. and II. and sec. 8.
„	458	54 & 55 V. c. 21	Sec. 10 amended, and sec. 14 repealed by 4 E. VII. c. 8, sec. 6 and schedule.
„	757	55 & 56 V. c. 62	Applied and amended by 4 E. VII. c. 31, secs. 8 and 9.
IX.	54	56 & 57 V. c. 66	Applied by 4 E. VII. c. 27, sec. 1 (2).
„	55	„ „ 67	Applied and amended by 4 E. VII. c. 31, secs. 8 and 9.
„	56	„ „ 69	Sec. 3 repealed by 4 E. VII. c. 8, sec. 8, and schedule.
„	100	57 & 58 V. c. 30	Sec. 38 applied by 4 E. VII. c. 7, sec. 7 (4).
„	106	„ „ 41	Repealed by 4 E. VII. c. 15, schedule II.
„	354	„ „ 60	Secs. 684, 685, 686 and 693 applied by 4 E. VII. c. 24, sec. 1 (5).
„	398	58 V. c. 5	Applied and amended by 4 E. VII. c. 31, secs. 8 and 9.
„	482	59 & 60 V. c. 28	Sec. 6 (2) applied and amended by 4 E. VII. c. 7, schedule.
„	552	60 & 61 V. c. 38	Part IV. extended by 4 E. VII. c. 16, sec. 1.
„	587	„ „ 52	Offences under this Act may by 4 E. VII. c. 16, be dealt with under that Act.
X.	2	61 & 62 V. c. 10	Sec. 1 amended, and section 2 repealed by 4 E. VII. c. 7, secs. 2 and 3 (2).
„	66	62 & 63 V. c. 21	May be cited with Shop Hours Acts, 1892 to 1895, as "Shops Regulation Acts, 1892 to 1904" (4 E. VII. c. 31, sec. 10).
„	101	63 & 64 V. c. 7	Secs. 2, 3, 4, 5, 6 and 7 continued and amended by 4 E. VII. c. 7, secs. 4 and 5.
Scots Statutes. Year.	Page.		
1903	113	3 E. VII. c. 45	Amended and applied, and secs. 4 (6) and 11 repealed by 4 E. VII. c. 15, secs. 3, 17 and 22, and schedule.

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THE

SCOTS STATUTES, 1905,

PASSED IN THE FIFTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

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THE SCOTS STATUTES, 1905,

PASSED IN THE FIFTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

CHAPTER I.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and five and one thousand nine hundred and six. [30*th March* 1905.]

CHAPTER II.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army. [14*th April* 1905.]

CHAPTER III.

An Act to amend the Law as to the Hours of Closing of Licensed Premises on Christmas Day in Ireland. [30*th June* 1905.]

CHAPTER IV.

FINANCE ACT, 1905 (s. 8).

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. [30*th June* 1905.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—CUSTOMS AND EXCISE.

1.—DUTY ON TEA.—There shall, on and after the first day of July nineteen hundred and five, until the first day of July nineteen hundred and six, be charged, levied, and

paid on tea imported into Great Britain or Ireland the following duty (that is to say):—

Tea, the pound, sixpence.

2.—CONTINUANCE OF ADDITIONAL CUSTOMS DUTIES AND DRAWBACKS ON TOBACCO, BEER, AND SPIRITS.—The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of July nineteen hundred and six, and, as regards the period for which any additional drawback is allowed under the said section four, July nineteen hundred and six shall be substituted for August nineteen hundred and one.

3.—CONTINUANCE OF ADDITIONAL EXCISE DUTIES AND DRAWBACKS ON BEER AND SPIRITS.—The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900, shall continue to be charged, levied, and paid until the first day of July nineteen hundred and six, and, as regards the period in respect of which any additional drawback is allowed under the said section six, July nineteen hundred and six shall be substituted for August nineteen hundred and one.

4.—ABOLITION OF WAREHOUSE DELIVERY CHARGES.—The rates charged under section six of the Finance Act, 1904, and section seven of the Customs and Excise Warehousing Act, 1869, on the delivery of goods from a warehouse for home consumption, shall cease to be chargeable.

PART II.—STAMPS.

5.—ABOLITION OF STAMP DUTY ON EXPORT BONDS, &C., AND ON DELIVERY ORDERS.—(1) The stamp duty charged by the Stamp Act, 1891, under the heading in the First Schedule to that Act, "Bond given pursuant to the directions of any Act, &c.," shall cease to be chargeable on bonds given in respect of the removal, transhipment, exportation, carriage coastwise, or shipment as stores of any goods, and the exemption under that heading shall be construed as if it included such bonds.

(2) The stamp duty charged by the Stamp Act, 1891, under the heading "Delivery Order" in the First Schedule to that Act, shall cease to be chargeable.

PART III.—INCOME TAX AND INHABITED HOUSE DUTY.

6.—INCOME TAX FOR 1905-1906.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and five shall be charged at the rate of one shilling.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and five shall have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property, which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and five, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection—

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869.

PART IV.—NATIONAL DEBT.

7.—REPAYMENT OF MONEY RAISED UNDER THE SUPPLEMENTAL WAR LOAN ACTS OF 1900.—(1) Any sums required for paying off any Exchequer bonds issued under the Supplemental War Loan Acts of 1900, and falling due in December nineteen hundred and five, may, up to an amount not exceeding ten million pounds, be raised by means of the issue of Exchequer bonds, which shall be paid off in ten years from the date of issue at the rate of one-tenth part of the total issue in each year.

(2) The bonds to be redeemed shall be drawn in each year in accordance with regulations made by the Treasury, and the bonds so drawn in any year shall be redeemed on the eighteenth day of April in that year by the application for the purpose of the requisite part of the new sinking fund of the previous financial year, at the rate of one hundred pounds sterling for every one hundred pounds of the bond.

(3) Exchequer bonds issued under this section shall, notwithstanding anything in section twenty-six of the Exchequer Bills and Bonds Act, 1866, be made out and issued with coupons for the interest becoming due thereon for a term of ten years from the date thereof.

(4) The amount of the permanent annual charge for the National Debt under section one of the Sinking Fund Act, 1875, during the current and every subsequent financial year, shall be the sum of twenty-eight instead of twenty-seven million pounds.

(5) Any sums required for defraying any expenses incurred in connexion with raising or paying off any money raised under this section, and the principal of and interest on any Exchequer bonds issued under this section, shall be charged on and be payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and as to the interest shall be paid as part of the permanent annual charge for the National Debt.

Part V.—General.

8.—Repeal, Construction, and Short Title.—(1) The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) Part I. of this Act so far as it relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876, and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

(3) This Act may be cited as the Finance Act, 1905.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
32 & 33 Vict. c. 103.	The Customs and Excise Warehousing Act, 1869.	The whole Act, so far as unrepealed.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section one hundred and four, from "but no such notice" to the end of the section.
54 & 55 Vict. c. 39,	The Stamp Act, 1891.	Sections sixty-nine, seventy, and seventy-one. In the First Schedule the words "Delivery Order - 0 0 1. And *see* sections 69, 70, and 71."
3 Edw. 7. c. 8.	The Finance Act, 1903.	Subsection (1) of section six.
3 Edw. 7. c. 46.	The Revenue Act, 1903.	Section six.
4 Edw. 7. c. 7.	The Finance Act, 1904.	Section six.

CHAPTER V.

An Act to settle and secure an Annuity upon the Right Honourable William Court Gully in consideration of his eminent Services. [11*th July* 1905.]

CHAPTER VI.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and six. [11*th July* 1905.]

CHAPTER VII.

WAR STORES (COMMISSION) ACT, 1905 (S. 3).

An Act to facilitate the proceedings of the Commissioners appointed to hold an Investigation respecting War Stores in South Africa. [11*th July* 1905.]

WHEREAS a Commission has been issued by His Majesty whereby the Honourable Mr. Justice Farwell, the Right Honourable Sir George Taubman-Goldie, K.C.M.G., Field Marshal Sir George White, G.C.B., Sir Francis Mowatt, G.C.B., and Samuel Hope Morley, Esquire (hereinafter referred to as "the Commissioners"), have been authorised and directed to investigate and report upon the allegations made in the report of the committee presided over by Lieutenant-General Sir W. F. Butler, K.C.B., dated May 22nd last; and all the circumstances connected with contracts, sales, and refunds to or by contractors in South Africa or elsewhere after the conclusion of peace, and any previous transactions which may throw light on them; and further, to report upon the responsibility of the persons concerned, whether in this country or in South Africa:

And whereas it is desirable to make provision for the more effective conduct by the Commissioners of any investigation which they may be authorised to make:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—POWERS OF COMMISSIONERS.—(1) The Commissioners shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof, on the occasion of any action in respect of the following matters:—

(i) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(ii) The compelling the production of documents; and

(iii) The punishing persons guilty of contempt;

and a summons signed by one or more of the Commissioners may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) A warrant of committal to prison issued for the purpose of enforcing the powers conferred by this section thall be signed by one or more of the Commissioners, and shall specify the prison to which the offender is to be committed, but shall not authorise the imprisonment of an offender for a period exceeding three months.

(3) Every person who on examination on oath or affirmation before the Commissioners wilfully gives false evidence shall be liable to the penalties for perjury.

2.—INDEMNITY TO WITNESSES.—(1) A person examined as a witness by the Commissioners shall not be excused from answering any question put to him, or from producing any document, on the ground that the answer thereto or production thereof may criminate or tend to criminate him.

(2) Every person examined as a witness who, in the opinion of the Commissioners, makes a full and true disclosure touching all the matters in respect of which he is examined, shall be entitled to receive a certificate signed by the Commissioners, stating that the witness has, on his examination, made a full and true disclosure as aforesaid.

(3) If any criminal proceeding (including a proceeding by court-martial) is at any time thereafter instituted against any such witness, in respect of any matter touching which he has been so examined, the Court having cognizance of the case shall, on his application, and on proof of the certificate, stay the proceeding.

(4) Nothing in this section shall apply to the case of proceedings for having

given false evidence before the Commissioners, or of having procured, or attempted or conspired to procure, the giving of such evidence.

3.—Short Title and Extent.—(1) This Act may be cited as the War Stores (Commission) Act, 1905.

(2) This Act shall apply only with respect to sittings of the Commissioners in the United Kingdom.

CHAPTER VIII.

Agricultural Rates Act, 1896, &c., Continuance Act, 1905 (s. 2).

An Act to extend the Agricultural Rates Act, 1896, *&c., Continuance Act*, 1901. [*4th August* 1905.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Extension of 1 Edw. 7, c. 13, for Four Years.—The Agricultural Rates Act, 1896, &c., Continuance Act, 1901, shall have effect as if "one thousand nine hundred and ten" were substituted for "one thousand nine hundred and six" wherever those words occur.

2.—Short Title.—This Act may be cited as the Agricultural Rates Act, 1896, &c., Continuance Act, 1905.

CHAPTER IX.

Coal Mines (Weighing of Minerals) Act, 1905 (s. 4).

An Act to amend the provisions of the Coal Mines Regulation Act, 1887, *which relate to the Weighing of Minerals.* [*4th August* 1905.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Amendments of 50 & 51 Vict. c. 58, s. 13, as to Check Weighers.—(1) The power conferred by the principal Act on the persons employed in a mine, and paid according to the weight of the mineral gotten by them, to appoint a check weigher, shall include power to appoint a deputy to act in the absence of the check weigher for reasonable cause, and the expression "check weigher" when used in the principal Act and in this Act shall include any such deputy check weigher during such absence as aforesaid.

(2) A statutory declaration, made by the person who presided at a meeting for the purpose of appointing a check weigher or deputy check weigher, to the effect that he presided at that meeting, and that the person named in the declaration was duly appointed check weigher or deputy check weigher, as the case may be, by that meeting, shall be forthwith delivered to the owner, agent, or manager of the mine, and shall be *primâ facie* evidence of that appointment.

(3) Where the check weigher or deputy check weigher was appointed by a majority ascertained by ballot of the persons employed in the mine, and paid according to the mineral gotten, the declaration shall so state, and if he was not so appointed, then it shall state the names of the persons by whom or on whose behalf the check weigher or deputy check weigher was appointed. Where a check weigher or deputy check weigher is appointed by such a majority as aforesaid, he shall be deemed to be appointed on behalf of all the persons employed in the mine who are entitled to appoint him.

(4) The facilities to be afforded to a check weigher under section thirteen of the principal Act shall include provision for a check weigher of a shelter from the weather, containing the number of cubic feet requisite for two persons, a desk or table at which the check weigher may write, and a sufficient number of weights to test the weighing machine.

(5) When a check weigher or deputy check weigher is appointed by a majority ascertained by ballot of the persons employed in the mine, and paid according to the mineral gotten, he shall not be removed by the persons employed in the mine except by a majority ascertained by ballot of the persons employed and paid as aforesaid at the time of the removal.

2.—AMENDMENTS AS TO PERSONS WHO APPOINT AND PAY CHECK WEIGHERS.—(1) For the purposes of the principal Act and of this Act the persons who are entitled under section thirteen of the principal Act to appoint a check weigher, and from whom he is entitled under section fourteen of the principal Act to recover his wages or recompense, shall be deemed to include not only the persons in charge of the working places, but also all holers, fillers, trammers, and other persons who are paid according to the weight of the mineral gotten.

(2) Where there are persons employed in a mine who are employed by a contractor who is himself paid according to weight of mineral gotten, such persons, if they are either in charge of the working places or are holers, fillers, trammers, or brushers, shall, notwithstanding that they are paid by the contractor and otherwise than in accordance with the weight of mineral gotten, be deemed to be included among those who are entitled to appoint a check weigher, and from whom he is entitled as aforesaid to recover wages or recompense, but the proportion of such wages or recompense recoverable in respect of such persons shall be paid by the contractor who employs them, and recoverable by the check weigher from him alone.

(3) The wages or recompense which a check weigher may recover under section fourteen of the principal Act shall include expenses properly incurred by him in carrying out his work under the principal Act.

3.—NOTICE OF INTENTION TO APPOINT CHECK WEIGHER.—All persons who are entitled by the principal Act or this Act to appoint a check weigher or deputy check weigher shall have due notice given to them of the intention to appoint a check weigher or deputy check weigher, by a notice posted at the pithead or otherwise specifying the time and place of the meeting, and have the same facilities given to each of them for the purpose of recording their votes either by ballot or otherwise in such appointment.

4.—CONSTRUCTION AND SHORT TITLE.—(1) This Act shall be construed as one with the principal Act.

(2) This Act may be cited as the Coal Mines (Weighing of Minerals) Act, 1905, and the Coal Mines Regulation Acts, 1887 to 1896, and the Coal Mines Regulation Act (1887) Amendment Act, 1903, and this Act may be cited collectively as the Coal Mines Regulation Acts, 1887 to 1905.

CHAPTER X.

An Act to enlarge the Remedies of Persons injured by the Negligence of Shipowners.

[*4th August* 1905.]

CHAPTER XI.

RAILWAY FIRES ACT, 1905 (S. 5).

An Act to give Compensation for Damage by Fires caused by Sparks or Cinders from Railway Engines.

[*4th August* 1905.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—LIABILITY OF RAILWAY COMPANIES TO MAKE GOOD DAMAGE TO CROPS BY THEIR ENGINES.—(1) When, after this Act comes into operation, damage is caused to agricultural land or to agricultural crops, as in this Act defined, by fire arising from sparks or cinders emitted from any locomotive engine used on a railway, the fact that

the engine was used under statutory powers shall not affect liability in an action for such damage.

(2) Where any such damage has been caused through the use of an engine by one company on a railway worked by another company, either company shall be liable in such an action; but, if the action is brought against the company working the railway, that company shall be entitled to be indemnified in respect of their liability by the company by whom the engine was used.

(3) This section shall not apply in the case of any action for damage unless the claim for damage in the action does not exceed one hundred pounds.

2.—Powers for Extinction and Prevention of Fire.—(1) A railway company may enter on any land and do all things reasonably necessary for the purpose of extinguishing or arresting the spread of any fire caused by sparks or cinders emitted from any locomotive engine.

(2) A railway company may, for the purpose of preventing or diminishing the risk of fire in a plantation, wood, or orchard through sparks or cinders emitted from any locomotive engine, enter upon any part of the plantation, wood, or orchard, or on any land adjoining thereto, and cut down and clear away any undergrowth, and take any other precautions reasonably necessary for the purpose; but they shall not, without the consent of the owner of the plantation, wood, or orchard, cut down or injure any trees, bushes, or shrubs.

(3) A railway company exercising powers under this section shall pay full compensation to any person injuriously affected by the exercise of those powers, including compensation in respect of loss of amenity, and any compensation so payable shall, in case of difference, be determined in England and Ireland by two justices in manner provided by section twenty-four of the Lands Clauses Consolidation Act, 1845, and in Scotland by the sheriff in manner provided by section twenty-two of the Lands Clauses Consolidation (Scotland) Act, 1845.

3.—Notice of Claim.—This Act shall not apply in the case of any action for damage by fire brought against any railway company unless notice of claim and particulars of damage, in writing, shall have been sent to the said railway company within seven days of the occurrence of the damage as regards the notice of claim, and within fourteen days as regards the particulars of damage.

4.—Definitions and Application.—In this Act—

The expression "agricultural land" includes arable and meadow land and ground used for pastoral purposes or for market or nursery gardens, and plantations and woods and orchards, and also includes any fences on such land, but does not include any moorland or buildings;

The expression "agricultural crops" includes any crops on agricultural land, whether growing or severed, which are not led or stacked;

The expression "railway" includes any light railway and any tramway worked by steam power.

This Act shall apply to agricultural land under the management of the Commissioners of Woods, and to agricultural crops thereon.

5.—Short Title.—This Act shall come into operation on the first day of January one thousand nine hundred and eight, and may be cited as the Railway Fires Act, 1905.

CHAPTER XII.

Churches (Scotland) Act, 1905 (s. 6).

An Act to provide for the Settlement of certain Questions between the Free Church and the United Free Church in Scotland, and to make certain amendments of the law with respect to the Church of Scotland. [11*th August* 1905.]

Whereas questions have arisen as to property between the Free Church and the United Free Church in Scotland, and judgments have been given by the Courts in favour of the Free Church:

And whereas a Royal Commission appointed to inquire into the matter have

reported that the Free Church are unable adequately to carry out all the trusts of the property, and that it is desirable to provide for the allocation thereof, provision being made for the equipment of the Free Church:

And whereas it is expedient to make provision for such allocation by means of the appointment of a Commission:

And whereas it is expedient to amend the law relating to the subscription of the Confession of Faith by Ministers of the Church of Scotland and others:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—ALLOCATION OF CHURCH PROPERTY BETWEEN THE FREE CHURCH AND THE UNITED FREE CHURCH BY A COMMISSION.—(1) The Commission established under this Act shall allocate between the Free Church and the United Free Church the property in question as defined by this Act in such manner as appears to the Commission fair and equitable, having regard to all the circumstances of the case, but subject to the provisions of this Act.

(2) The Commission in making their allocation of property under this Act, shall allocate congregational property to the Free Church in any case where they consider that out of those who in the opinion of the Commission were members or adherents of the congregation on the thirtieth day of October, nineteen hundred, and are at the commencement of this Act both resident in the district, and members or adherents of the Free Church or United Free Church congregation, at least one-third are members or adherents of the Free Church congregation; with power, however, to make special arrangements where several church buildings are situated in the same neighbourhood, and in any other cases which appear to them to require exceptional treatment; and

(3) The Commission in making their allocation of property under this Act shall, having regard to congregational contributions and other income of the Free Church, make adequate provision for the education of the students for the ministry of the Free Church, for the support, subject to payment of the usual annual contributions (if any) of aged and infirm ministers and of widows and orphans of ministers of that Church, for the support of the ministers of Free Church congregations to which congregational property has been allocated under this Act, for itinerant preachers, and for the general purposes of administration and management of that Church. The funds and property out of which provision may be made for each of the above-mentioned objects shall be those set out in the second column of the First Schedule to this Act, opposite the description of the object in the first column of that schedule.

2.—ORDERS FOR CARRYING ALLOCATION INTO EFFECT.—(1) The Commission may make such orders as they may consider necessary for carrying into effect any allocation under this Act (including the modification of the Acts relating to the Widows' and Orphans' Fund), and may also, before that allocation is made, make interim orders having temporary effect as respects the property in question as defined by this Act. Any such orders shall have effect as if enacted in this Act, may be recorded in the Register of Sasines or other appropriate register, and shall not be chargeable with stamp duty.

(2) Subject to the provisions of this Act, the Commission, if they think fit, may order that any property (other than congregational property) allocated to either Church under this Act shall be burdened with such bond, or charge, in favour of the other Church or in favour of third parties who may advance money for the purposes of such bond or charge, as they direct. Any congregational property allocated to either Church shall be subject to any bonds, burdens, or debts thereon or in respect thereof, and the Commissioners may charge upon the particular congregational property concerned any moneys expended since thirty-first October, nineteen hundred, on improvements of that property or in paying off debt incurred in respect of that property.

(3) The Free Church and the United Free Church respectively shall hold any property allocated to them under this Act for the purposes of and in accordance with their respective constitutions, and, in allocating to the United Free Church any property which is, at the commencement of this Act, appropriated to any special Church purposes, the Commission shall, so far as possible, provide by their orders

that the property shall remain, in the hands of the United Free Church, appropriated to the same or similar purposes.

(4) Any proceedings in any court between the Free Church and the United Free Church as to any property in question as defined by this Act, and all diligence and execution in any such proceedings, shall, by virtue of this Act, be permanently sisted or stayed, and no such proceedings shall be instituted as respects any such property before that property has been allocated by the Commission under this Act.

(5) No court shall have power to review or interfere in any way with the orders or other proceedings of the Commission, but such orders or proceedings shall not prejudice or affect any rights, duties and liabilities as regards any property in question as defined by this Act other than those of the Free Church and the United Free Church.

3.—Establishment of Commission.—(1) The Commission under this Act shall consist of five Commissioners to be appointed by His Majesty.

(2) If a vacancy occurs in the office of any Commissioner so appointed by reason of death, resignation, incapacity, or otherwise, His Majesty may appoint some other person to fill the vacancy, and so from time to time as occasion requires.

(3) The Commission may appoint and employ such Assistant-Commissioners, officers and persons, as they think necessary, and may remove any officer or person so appointed or employed.

(4) The salaries and remuneration of any persons so appointed or employed, and all expenses of the Commission incurred in the execution of this Act, shall be paid out of the property in question as defined by this Act, and the Commission may make any orders necessary for the purpose.

(5) The quorum of the Commission shall be three, and in case of an equal division of votes at any meeting of the Commission the person who is Chairman at that meeting shall have a second or casting vote. The procedure, place of meeting, and authentication of documents of the Commission, shall be regulated in such manner as the Commission determine.

(6) The Commission and any Assistant-Commissioner appointed under this Act may examine witnesses on oath, and, for the enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses, and the production of books and documents, shall have all such powers, rights and privileges as are vested in any of His Majesty's courts of law.

(7) The powers of the Commission shall be in force until the first day of March, nineteen hundred and six, but His Majesty may by Order in Council continue their powers for such further period as His Majesty thinks fit.

4.—Provision Defining the Property, &c., to be Allocated.—(1) All property which, on the thirtieth day of October nineteen hundred, was vested in or held by or on trust for, or was payable to or for behoof of, the Free Church, or was held for the purposes of any school, scheme, mission, or other special object of the said church, or, where any such property has been disposed of since that date, the proceeds of sale thereof or any investments representing the same, including any revenue or accumulations of any such property, proceeds of sale, or investments accruing since the said date, shall, notwithstanding anything that has taken place since said date, be deemed to be property in question within the meaning of this Act, subject in any case to any disbursements properly made since the said date (which are hereby declared to stand good), and any person held accountable for any such property, in accordance with an order of the Commission, shall account for the same accordingly.

(2) Such rights, duties and liabilities (including the right of appointing representatives on bodies of trustees or other boards) as belonged or attached to the Free Church on the thirtieth day of October, nineteen hundred, shall be subject to allocation by the Commission in the same manner as the property in question within the meaning of this Act.

(3) Any legacies, bequests, or conveyances of property under testamentary writings made before the thirtieth day of October, nineteen hundred, by testators who died thereafter and before the commencement of this Act, in dispute between the Free Church and the United Free Church, shall be allocated to or apportioned between

the Churches in such manner as the Commission deem fair and equitable, having regard to what seems to them to have been the intention of the testator, and the capacity of the Churches respectively to carry out any special trusts annexed to the legacy; and all proceedings in any court as regards any disputes between the two Churches in respect of such legacies shall be permanently sisted or stayed.

(4) In this section the expression "property" includes property heritable and moveable and all interests therein; and the expression "rights" includes powers, privileges, and immunities.

5.—FORMULA OF SUBSCRIPTION TO THE CONFESSION OF FAITH IN THE CHURCH OF SCOTLAND.—The formula of subscription to the Confession of Faith required from ministers and preachers of the Church of Scotland as by law established, and from persons appointed to Chairs of Theology in the Scottish Universities and the Principal of Saint Mary's College, Saint Andrews, respectively, shall be such as may be prescribed by Act of the General Assembly of the said Church with the consent of the majority of the presbyteries thereof. The formula at present in use in any case shall be required until a formula in lieu thereof is so prescribed.

6.—DEFINITIONS, REPEAL AND SHORT TITLE.—(1) In this Act the expression "the Free Church" means the association or body of Christians known and designated as the Free Church of Scotland; and the expression "the United Free Church" means the association or body of Christians known and designated as the United Free Church of Scotland, and, unless the context otherwise requires, those expressions respectively include any court, congregation, or college of either Church, or any member thereof as such, or any person acting on behalf of such Church, congregation, or college.

(2) The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, both as originally enacted, and as incorporated, ratified, confirmed, or approved by any other Act.

(3) This Act may be cited as the Churches (Scotland) Act, 1905.

SCHEDULES.

FIRST SCHEDULE (S. 1).

Object.	Funds and Property.
1. Education of students of the Free Church.	1. College endowments and bursary funds; college buildings.
2. Support of aged and infirm ministers of the Free Church.	2. Aged and Infirm Ministers' Fund.
3. Support of widows and orphans of ministers of the Free Church.	3. Widows' and Orphans' Fund.
4.—(*a*) Support of ministers of Free Church congregations to which congregational property has been allocated under this Act and of itinerant preachers. (*b*) General purposes of administration and management of the Free Church.	4. Sustentation Fund; Home Missions Fund; Highlands and Islands Fund; any moneys which the Commission regard as applicable for these or similar purposes. So far as those funds or moneys are not sufficient, any further amount required for this object shall be provided by such bond or charge as the Commission may direct to be imposed on any land or buildings in Scotland allocated to the United Free Church other than congregational property, colleges, schools, and any land or buildings bequeathed or given for special purposes.

SECOND SCHEDULE.

ENACTMENTS REPEALED (S. 6).

Act.	Title.	Extent of Repeal.
An Act of the Parliament of Scotland passed in the year one thousand six hundred and ninety-three.	Act for settling the quiet and peace of the Church.	The words "the same to be the confession of his faith, and that he owns the doctrine therein contained to be the true doctrine which he will constantly adhere to, as"
An Act of the Parliament of Scotland passed in the year one thousand seven hundred and seven.	Act for securing the Protestant religion and Presbyterian Church government.	The words "do and shall acknowledge and profess and," and the words "as the confession of their faith;"

CHAPTER XIII.

ALIENS ACT, 1905 (S. 10).

An Act to amend the Law with regard to Aliens. [11*th August* 1905.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

REGULATION OF ALIEN IMMIGRATION.

1.—POWER TO PREVENT THE LANDING OF UNDESIRABLE IMMIGRANTS.—(1) An immigrant shall not be landed in the United Kingdom from an immigrant ship except at a port at which there is an immigration officer appointed under this Act, and shall not be landed at any such port without the leave of that officer given after an inspection of the immigrants made by him on the ship, or elsewhere if the immigrants are conditionally disembarked for the purpose, in company with a medical inspector, such inspection to be made as soon as practicable, and the immigration officer shall withhold leave in the case of any immigrant who appears to him to be an undesirable immigrant within the meaning of this section.

(2) Where leave to land is so withheld in the case of any immigrant, the master, owner or agent of the ship, or the immigrant, may appeal to the immigration board of the port, and that board shall, if they are satisfied that leave to land should not be withheld under this Act, give leave to land, and leave so given shall operate as the leave of the immigration officer.

(3) For the purposes of this section an immigrant shall be considered an undesirable immigrant—

(*a*) if he cannot shew that he has in his possession or is in a position to obtain the means of decently supporting himself and his dependents (if any); or

(*b*) if he is a lunatic or an idiot, or owing to any disease or any infirmity appears likely to become a charge upon the rates or otherwise a detriment to the public; or

(*c*) if he has been sentenced in a foreign country with which there is an extradition treaty for a crime, not being an offence of a political character, which is, as respects that country, an extradition crime within the meaning of the Extradition Act, 1870; or

(*d*) if an expulsion order under this Act has been made in his case;

but, in the case of an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds or for an offence of a political character or persecution, involving danger of imprison-

ment or danger to life or limb, on account of religious belief, leave to land shall not be refused on the ground merely of want of means, or the probability of his becoming a charge on the rates, nor shall leave to land be withheld in the case of an immigrant who shews to the satisfaction of the immigration officer or board concerned with the case that, having taken his ticket in the United Kingdom and embarked direct therefrom for some other country immediately after a period of residence in the United Kingdom of not less than six months, he has been refused admission in that country and returned direct therefrom to a port in the United Kingdom, and leave to land shall not be refused merely on the ground of want of means to an immigrant who satisfies the immigration officer or board concerned with the case that he was born in the United Kingdom, his father being a British subject.

(4) The Secretary of State may, subject to such conditions as he thinks fit to impose, by order exempt any immigrant ships from the provisions of this section if he is satisfied that a proper system is being maintained for preventing the embarkation of undesirable immigrants on those ships, or if security is given to his satisfaction that undesirable immigrants will not be landed in the United Kingdom from those ships except for the purpose of transit.

Any such order of exemption may be withdrawn at any time at the discretion of the Secretary of State.

(5) Any immigrant who lands, and any master of a ship who allows an immigrant to be landed, in contravention of this section shall be guilty of an offence under this Act, but an immigrant conditionally disembarked shall not be deemed to have landed so long as the conditions are complied with.

2.—IMMIGRATION BOARD AND RULES.—(1) The immigration board for a port shall consist of three persons summoned in accordance with rules made by the Secretary of State under this Act out of a list approved by him for the port comprising fit persons having magisterial, business, or administrative experience.

(2) A Secretary of State may make rules generally with respect to immigration boards and their officers, and with respect to appeals to those boards, and with respect to the conditional disembarkation of immigrants for the purpose of inspection, appeals, or otherwise, and may by those rules amongst other things provide for the summoning and procedure of the board, and for the place of meeting of the board, and for the security to be given by the master of the ship in the case of immigrants conditionally disembarked. Rules made under this section shall provide for notice being given to masters of immigrant ships and immigrants informing them of their right of appeal, and also, where leave to land is withheld in the case of any immigrant by the immigration officer, for notice being given to the immigrant and the master of the immigrant ship of the grounds on which leave has been withheld.

EXPULSION OF UNDESIRABLE ALIENS.

3.—POWER OF SECRETARY OF STATE TO MAKE AN EXPULSION ORDER.—(1) The Secretary of State may, if he thinks fit, make an order (in this Act referred to as an expulsion order) requiring an alien to leave the United Kingdom within a time fixed by the order, and thereafter to remain out of the United Kingdom—

(*a*) if it is certified to him by any court (including a court of summary jurisdiction) that the alien has been convicted by that court of any felony, or misdemeanour, or other offence for which the court has power to impose imprisonment without the option of a fine, or of an offence under paragraph twenty-two or twenty-three of section three hundred and eighty-one of the Burgh Police (Scotland) Act, 1892, or of an offence as a prostitute under section seventy-two of the Towns Improvement (Ireland) Act, 1854, or paragraph eleven of section fifty-four of the Metropolitan Police Act, 1839, and that the court recommend that an expulsion order should be made in his case, either in addition to or in lieu of his sentence; and

(*b*) if it is certified to him by a court of summary jurisdiction after proceedings taken for the purpose within twelve months after the alien has last entered the United Kingdom, in accordance with rules of court made under section twenty-nine of the Summary Jurisdiction Act, 1879, that the alien—

(i) has within three months from the time at which the proceedings for the certificate are commenced, been in receipt of any such parochial relief as disqualifies a person for the parliamentary franchise, or been found wandering without ostensible means of subsistence, or been living under insanitary conditions due to overcrowding; or

(ii) has entered the United Kingdom after the passing of this Act, and has been sentenced in a foreign country with which there is an extradition treaty for a crime not being an offence of a political character which is as respects that country an extradition crime within the meaning of the Extradition Act, 1870.

(2) If any alien in whose case an expulsion order has been made is at any time found within the United Kingdom in contravention of the order, he shall be guilty of an offence under this Act.

4.—Expenses of Return of Alien, &c.—(1) Where an expulsion order is made in the case of any alien, the Secretary of State may, if he thinks fit, pay the whole or any part of the expenses of or incidental to the departure from the United Kingdom and maintenance until departure of the alien and his dependents (if any).

(2) If an expulsion order is made in the case of any alien (not being an alien who last entered the United Kingdom before the commencement of this Act, or an immigrant in whose case leave to land has been given under this Act) on a certificate given within six months after he has last entered the United Kingdom, the master of the ship in which he has been brought to the United Kingdom and also the master of any ship belonging to the same owner shall be liable to pay to the Secretary of State as a debt due to the Crown any sums paid by the Secretary of State under this section in connexion with the alien, and shall, if required by the Secretary of State, receive the alien and his dependents (if any) on board his ship, and afford them free of charge a passage to the port of embarkation and proper accommodation and maintenance during the passage.

(3) If the master of a ship fails to comply with the provisions of this section as to giving a passage to an alien or his dependents, he shall be guilty of an offence under this Act.

General.

5.—Returns as to Aliens.—(1) The master of any ship landing or embarking passengers at any port in the United Kingdom shall furnish to such person, and in such manner as the Secretary of State directs, a return giving such particulars with respect to any such passengers who are aliens as may be required for the time being by order of the Secretary of State, and any such passenger shall furnish the master of the ship with any information required by him for the purpose of the return.

(2) If the master of a ship fails to make the return required by this section, or makes a false return, he shall be guilty of an offence under this Act, and if any alien refuses to give information required by the master of the ship for the purpose of the return under this section, or gives any false information for the purpose, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour.

(3) The Secretary of State may by order exempt from the provisions of this section any special class of passengers or voyages, or any special ships or ports, but any such order may be withdrawn at any time at his discretion.

6.—Appointment of Officers, and Expenses.—(1) The Secretary of State shall appoint, at such ports in the United Kingdom as he thinks necessary for the time being, immigration officers and medical inspectors, and may appoint or employ such other officers or persons as may be required for the purposes of immigration boards, or for the purpose of the returns to be given under this Act, or otherwise for carrying this Act into effect, and the salary and remuneration of any officers, inspectors, or persons so appointed or employed, and any expenses otherwise incurred in carrying this Act into effect (including such payment as may be sanctioned by the Treasury for the attendance of any person as a member of an immigration board to hear appeals), shall, up to an amount approved by the Treasury, be paid out of moneys provided by Parliament.

(2) The Secretary of State may arrange with the Commissioners of Customs, or any other Government department or any port sanitary authority, for the appointment or employment of officers of Customs or officers of that department or authority as officers under this Act.

(3) The Secretary of State shall make known, in such manner as he thinks best suited for the purpose, the ports at which immigration officers are for the time being appointed under this Act.

7.—SUPPLEMENTAL PROVISIONS.—(1) Any person guilty of an offence under this Act shall, if the offence is committed by him as the master of a ship, be liable, on summary conviction, to a fine not exceeding one hundred pounds, and if the offence is committed by him as an immigrant or alien, be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly as if the offence were an offence under section four of that Act.

(2) Sections six hundred and eighty-four, six hundred and eighty-five, and six hundred and eighty-six of the Merchant Shipping Act, 1894 (which relate to the jurisdiction of courts and justices), shall apply with respect to jurisdiction under this Act as they apply with respect to jurisdiction under that Act, and section six hundred and ninety-three of the Merchant Shipping Act, 1894 (which relates to the levying of sums ordered to be paid by distress on a ship), shall apply with respect to any fines or other sums of money to be paid under this Act by the master of a ship as it applies with respect to fines and other sums of money to be paid under that Act.

(3) Any immigrant who is conditionally disembarked, and any alien in whose case an expulsion order is made, while awaiting the departure of his ship, and whilst being conveyed to the ship, and whilst on board the ship until the ship finally leaves the United Kingdom, and any alien in whose case a certificate has been given by a court, with a view to the making of an expulsion order under this Act, until the Secretary of State has decided upon his case, shall be liable to be kept in custody in such manner as the Secretary of State directs, and whilst in that custody shall be deemed to be in legal custody.

(4) If any immigrant, master of a ship, or other person, for the purposes of this Act, makes any false statement or false representation to an immigration officer, medical inspector, immigration board, or to the Secretary of State, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour.

(5) If any question arises on any proceedings under this Act, or with reference to anything done or proposed to be done under this Act, whether any person is an alien or not, the onus of proving that that person is not an alien shall lie on that person.

(6) In carrying out the provisions of this Act, due regard shall be had to any treaty, convention, arrangement, or engagement with any foreign country.

8.—DEFINITIONS.—(1) The expression "immigrant" in this Act means an alien steerage passenger who is to be landed in the United Kingdom, but does not include—

(*a*) Any passenger who shews to the satisfaction of the immigration officer or board concerned with the case that he desires to land in the United Kingdom only for the purpose of proceeding within a reasonable time to some destination out of the United Kingdom; or

(*b*) Any passengers holding prepaid through tickets to some such destination, if the master or owner of the ship by which they are brought to the United Kingdom, or by which they are to be taken away from the United Kingdom, gives security to the satisfaction of the Secretary of State that, except for the purposes of transit or under other circumstances approved by the Secretary of State, they will not remain in the United Kingdom, or, having been rejected in another country, re-enter the United Kingdom, and that they will be properly maintained and controlled during their transit.

(2) The expression "immigrant ship" in this Act means a ship which brings to the United Kingdom more than twenty alien steerage passengers, who are to be landed in the United Kingdom, whether at the same or different ports, or such number of those passengers as may be for the time being fixed by order of the Secretary of State, either generally or as regards any special ships or ports.

(3) The expression "passenger" in this Act includes any person carried on the ship other than the master and persons employed in the working, or service, of the ship, and the expression "steerage passenger" in this Act includes all passengers except such persons as may be declared by the Secretary of State to be cabin passengers by order made either generally or as regards any special ships or ports.

(4) If any question arises under this Act on an appeal to an immigration board whether any ship is an immigrant ship within the meaning of this Act, or whether any person is an immigrant, a passenger, or a steerage passenger, within the meaning of this Act, or whether any offence is an offence of a political character, or whether a crime is an extradition crime, that question shall be referred to the Secretary of State in accordance with rules made under this Act, and the board shall act in accordance with his decision.

(5) The Secretary of State may withdraw or vary any order made by him under this section.

9.—Application of Act to Scotland and Ireland.—(1) In the application of this Act to Scotland and Ireland the words "be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour" shall be substituted for the words "be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly as if the offence were an offence under section four of that Act."

(2) Section thirty-three of the Summary Procedure (Scotland) Act, 1864, shall be substituted as respects Scotland for section twenty-nine of the Summary Jurisdiction Act, 1879; and the Lord Chancellor of Ireland may, as respects Ireland, make rules for the purposes of this Act for which rules may be made under section twenty-nine of the Summary Jurisdiction Act, 1879; and all rules so made shall be laid, as soon as may be, before both Houses of Parliament.

10.—Short Title and Commencement, and Repeal.—(1) This Act may be cited as the Aliens Act, 1905, and shall come into operation on the first day of January nineteen hundred and six.

(2) The Registration of Aliens Act, 1836, is hereby repealed.

CHAPTER XIV.

Medical Act (1886) Amendment Act, 1905 (s. 2).

An Act to amend the Medical Act, 1886. [11*th August* 1905.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Amendment of 49 & 50 Vict. c. 48, s. 27.—For the purposes of the Medical Act, 1886, where any part of a British possession is under a central and also under a local legislature, His Majesty may, if he thinks fit, by Order in Council, declare that the part which is under the local legislature shall be deemed a separate British possession.

2.—Short Title.—This Act may be cited as the Medical Act (1886) Amendment Act, 1905.

TRADE MARKS ACT, 1905 (s. 1).

[5 Edw. 7. Ch. 15].

ARRANGEMENT OF SECTIONS.

Section.
1. Short title.
2. Commencement of Act.

PART I.—(DEFINITIONS).

Section.
3. Definitions

REGISTER OF TRADE MARKS.

4. Register of trade marks.
5. Trust not to be entered on register.
6. Incorporation of existing register.
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REGISTRABLE TRADE MARKS.

8. Trade mark must be for particular goods.
9. Registrable trade marks.
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REGISTRATION OF TRADE MARKS.

12. Application for registration.
13. Advertisement of application.
14. Opposition to registration.
15. Disclaimers.
16. Date of registration.
17. Certificate of registration.
18. Non-completion of registration.

IDENTICAL TRADE MARKS.

19. Identical marks.
20. Rival claims to identical marks.
21. Concurrent user.

ASSIGNMENT.

22. Assignment and transmission of trade marks.
23. Apportionment of marks on dissolution of partnership.

ASSOCIATED TRADE MARKS.

24. Associated trade marks.
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28. Duration of registration.
29. Renewal of registration.
30. Procedure on expiry of period of registration.
31. Status of unrenewed trade mark.

CORRECTION AND RECTIFICATION OF THE REGISTER.

32. Correction of register.
33. Registration of assignments, &c.
34. Alteration of registered trade mark.
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36. Trade marks registered under previous Acts.
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EFFECT OF REGISTRATION.

Section.
38. Powers of registered proprietor.
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CHAPTER XV.

TRADE MARKS ACT, 1905.

An Act to consolidate and amend the Law relating to Trade Marks. [11th *August* 1905.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—SHORT TITLE.—This Act may be cited as the Trade Marks Act, 1905.

2.—COMMENCEMENT OF ACT.—This Act shall, save as otherwise expressly provided, come into operation on the first day of April one thousand nine hundred and six.

PART I.—DEFINITIONS.

3.—DEFINITIONS.—In and for the purposes of this Act (unless the context otherwise requires):—

A "mark" shall include a devise, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof:

A "trade mark" shall mean a mark used or proposed to be used upon or in connexion with goods for the purpose of indicating that they are the goods of the proprietor of such trade mark by virtue of manufacture, selection, certification, dealing with, or offering for sale:

A "registrable trade mark" shall mean a trade mark which is capable of registration under the provisions of this Act:

"The register" shall mean the register of trade marks kept under the provisions of this Act:

A "registered trade mark" shall mean a trade mark which is actually upon the register:

"Prescribed" shall mean, in relation to proceedings before the Court, prescribed by rules of Court, and in other cases, prescribed by this Act or the rules thereunder:

"The Court" shall mean (subject to the provisions for Scotland, Ireland, and the Isle of Man) His Majesty's High Court of Justice in England.

REGISTER OF TRADE MARKS.

4.—REGISTER OF TRADE MARKS.—There shall be kept at the Patent Office for the purposes of this Act a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the names and addresses of their proprietors, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may from time to time be prescribed.

The register shall be kept under the control and management of the Comptroller-General of Patents, Designs, and Trade Marks, who is in this Act referred to as the Registrar.

5.—Trust not to be Entered on Register.—There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar.

6.—Incorporation of Existing Register.—The register of trade marks existing at the date of the commencement of this Act, and all registers of trade marks kept under previous Acts, which are deemed part of the same book as such register, shall be incorporated with and form part of the register. Subject to the provisions of sections thirty-six and forty-one of this Act the validity of the original entry of any trade mark upon the registers so incorporated shall be determined in accordance with the statutes in force at the date of such entry, and such trade mark shall retain its original date, but for all other purposes it shall be deemed to be a trade mark registered under this Act.

7.—Inspection of and Extract from Register.—The register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Registrable Trade Marks.

8.—Trade Mark must be for Particular Goods.—A trade mark must be registered in respect of particular goods or classes of goods.

9.—Registrable Trade Marks.—A registrable trade mark must contain or consist of at least one of the following essential particulars:—

(1) The name of a company, individual, or firm represented in a special or particular manner;

(2) The signature of the applicant for registration or some predecessor in his business;

(3) An invented word or invented words;

(4) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname;

(5) Any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3) and (4), shall not, except by order of the Board of Trade or the Court, be deemed a distinctive mark:

Provided always that any special or distinctive word or words, letter, numeral, or combination of letters or numerals used as a trade mark by the applicant or his predecessors in business before the thirteenth day of August one thousand eight hundred and seventy-five, which has continued to be used (either in its original form, or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration, shall be registrable as a trade mark under this Act.

For the purposes of this section "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons.

In determining whether a trade mark is so adapted, the tribunal may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

10.—Coloured Trade Marks.—A trade mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by any tribunal having to decide on the distinctive character of such trade mark. If and so far as a trade mark is registered without limitation of colour it shall be deemed to be registered for all colours.

11.—Restriction on Registration.—It shall not be lawful to register as a trade

mark or part of a trade mark any matter, the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a court of justice, or would be contrary to law or morality, or any scandalous design.

REGISTRATION OF TRADE MARKS.

12.—APPLICATION FOR REGISTRATION.—(1) Any person claiming to be the proprietor of a trade mark who is desirous of registering the same must apply in writing to the Registrar in the prescribed manner.

(2) Subject to the provisions of this Act the Registrar may refuse such application, or may accept it absolutely or subject to conditions, amendments, or modifications.

(3) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Board of Trade or to the Court at the option of the applicant.

(4) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted.

(5) Appeals under this section shall be heard on the materials so stated by the Registrar to have been used by him in arriving at his decision, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar, other than those stated by him, except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(6) The Registrar or the Board of Trade or the Court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as they may think fit.

13.—ADVERTISEMENT OF APPLICATION.—When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner. Such advertisement shall set forth all conditions subject to which the application has been accepted.

14.—OPPOSITION TO REGISTRATION.—(1) Any person may, within the prescribed time from the date of the advertisement of an application for the registration of a trade mark, give notice to the Registrar of opposition to such registration.

(2) Such notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

(3) The Registrar shall send a copy of such notice to the applicant, and within the prescribed time after the receipt of such notice, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.

(4) If the applicant sends such counter-statement, the Registrar shall furnish a copy thereof to the persons giving notice of opposition, and shall, after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.

(5) The decision of the Registrar shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

(6) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(7) On the hearing of any such appeal any party may either in the manner prescribed or by special leave of the tribunal bring forward further material for the consideration of the tribunal.

(8) In proceedings under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the opponent or the Registrar other than those stated by the opponent as hereinabove provided except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(9) In any appeal under this section, the tribunal may, after hearing the Registrar, permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

(10) The Registrar, or in the case of an appeal to the Board of Trade, the Board of Trade, shall have power in proceedings under this section to award to any party such costs as they may consider reasonable, and to direct how and by what parties they are to be paid.

(11) If a party giving notice of opposition or of appeal neither resides nor carries on business in the United Kingdom, the tribunal may require such party to give security for costs of the proceedings before it relative to such opposition or appeal, and in default of such security being duly given may treat the opposition or appeal as abandoned.

15.—Disclaimers.—If a trade mark contains parts not separately registered by the proprietor as trade marks, or if it contains matter common to the trade or otherwise of a non-distinctive character, the Registrar or the Board of Trade or the Court, in deciding whether such trade mark shall be entered or shall remain upon the register, may require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade mark, or of all or any portion of such matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration: Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

16.—Date of Registration.—When an application for registration of a trade mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed the opposition has been decided in favour of the applicant, the Registrar shall, unless the Board of Trade otherwise direct, register the said trade mark, and the trade mark, when registered, shall be registered as of the date of the application for registration, and such date shall be deemed for the purposes of this Act to be the date of registration.

17.—Certificate of Registration.—On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration of such trade mark under the hand of the Registrar, and sealed with the seal of the Patent Office.

18.—Non-Completion of Registration.—Where registration of a trade mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in such notice.

Identical Trade Marks.

19.—Identical Marks.—Except by order of the Court or in the case of trade marks in use before the thirteenth day of August one thousand eight hundred and seventy-five, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of goods, or so nearly resembling such a trade mark as to be calculated to deceive.

20.—Rival Claims to Identical Marks.—Where each of several persons

claims to be proprietor of the same trade mark, or of nearly identical trade marks in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him or (on appeal) by the Board of Trade.

21.—CONCURRENT USER.—In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper so to do, the Court may permit the registration of the same trade mark, or of nearly identical trade marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise, as it may think it right to impose.

ASSIGNMENT.

22.—ASSIGNMENT AND TRANSMISSION OF TRADE MARKS.—A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade mark to assign the right to use the same in any British possession or protectorate or foreign country in connection with any goods for which it is registered together with the goodwill of the business therein in such goods.

23.—APPORTIONMENT OF MARKS ON DISSOLUTION OF PARTNERSHIP.—In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Act as to associated trade marks), on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

ASSOCIATED TRADE MARKS.

24.—ASSOCIATED TRADE MARKS.—If application be made for the registration of a trade mark so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the tribunal hearing the application may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks.

25.—COMBINED TRADE MARKS.—If the proprietor of a trade mark claims to be entitled to the exclusive use of any portion of such trade mark separately he may apply to register the same as separate trade marks. Each such separate trade mark must satisfy all the conditions, and shall have all the incidents of an independent trade mark, except that when registered it and the trade mark of which it forms a part shall be deemed to be associated trade marks, and shall be entered on the register as such, but the user of the whole trade mark shall for the purposes of this Act be deemed to be also a user of such registered trade marks belonging to the same proprietor as it contains.

26.—SERIES OF TRADE MARKS.—When a person claiming to be the proprietor of several trade marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of—

(*a*) statements of the goods for which they are respectively used or proposed to be used; or

(*b*) statements of number, price, quality, or names of places; or

(*c*) other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or

(*d*) colour;

seeks to register such trade marks, they may be registered as a series in one registra-

tion. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks.

27.—Assignment and User of Associated Trade Marks.—Associated trade marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that where under the provisions of this Act user of a registered trade mark is required to be proved for any purpose, the tribunal may, if and so far as it shall think right, accept user of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for such user.

Renewal of Registration.

28.—Duration of Registration.—The registration of a trade mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Act.

29.—Renewal of Registration.—The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed "the expiration of the last registration."

30.—Procedure on Expiry of Period of Registration.—At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade mark from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed.

31.—Status of Unrenewed Trade Mark.—Where a trade mark has been removed from the register for non-payment of the fee for renewal, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shewn to the satisfaction of the Registrar that there had been no bonâ fide trade user of such trade mark during the two years immediately preceding such removal.

Correction and Rectification of the Register.

32.—Correction of Register.—The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name—

(1) Correct any error in the name or address of the registered proprietor of a trade mark; or

(2) Enter any change in the name or address of the person who is registered as proprietor of a trade mark; or

(3) Cancel the entry of a trade mark on the register; or

(4) Strike out any goods or classes of goods from those for which a trade mark is registered; or

(5) Enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark.

Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

33.—Registration of Assignments, &c.—Subject to the provisions of this Act, where a person becomes entitled to a registered trade mark by assignment, transmission, or other operation of law, the Registrar shall, on request made in the prescribed manner, and on proof of title to his satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade mark. Any decision

of the Registrar under this section shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

34.—ALTERATION OF REGISTERED TRADE MARK.—The registered proprietor of any trade mark may apply in the prescribed manner to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or may grant the same on such terms as he may think fit, but any such refusal or conditional permission shall be subject to appeal to the Board of Trade. If leave be granted, the trade mark as altered shall be advertised in the prescribed manner.

35.—RECTIFICATION OF REGISTER.—Subject to the provisions of this Act—

(1) The Court may on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, make such order for making, expunging, or varying such entry, as it may think fit:

(2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register:

(3) In case of fraud in the registration or transmission of a registered trade mark, the Registrar may himself apply to the Court under the provisions of this section:

(4) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner, who shall upon receipt of such notice rectify the register accordingly.

36.—TRADE MARKS REGISTERED UNDER PREVIOUS ACTS.—No trade mark which is upon the register at the commencement of this Act and which under this Act is a registrable trade mark shall be removed from the register on the ground that it was not registrable under the Acts in force at the date of its registration. But nothing in this section contained shall subject any person to any liability in respect of any act or thing done before the commencement of this Act to which he would not have been subject under the Acts then in force.

37.—NON-USER OF TRADE MARK.—A registered trade mark may, on the application to the court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any bonâ fide intention to use the same in connection with such goods, and there has in fact been no bonâ fide user of the same in connection therewith, or on the ground that there has been no bonâ fide user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shewn to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods.

EFFECT OF REGISTRATION.

38.—POWERS OF REGISTERED PROPRIETOR.—Subject to the provisions of this Act—

(1) The person for the time being entered in the register as proprietor of a trade mark shall, subject to any rights appearing from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment:

(2) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

39.—RIGHTS OF PROPRIETOR OF TRADE MARK.—Subject to the provisions of section forty-one of this Act and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered: Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods no rights of exclusive user of such trade

mark shall (except so far as their respective rights shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

40.—Registration to be Prima Facie Evidence of Validity.—In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the fact that a person is registered as proprietor of such trade mark shall be primâ facie evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same.

41.—Registration to be Conclusive after Seven Years.—In all legal proceedings relating to a registered trade mark (including applications under section thirty-five of this Act) the original registration of such trade mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Act, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade mark offends against the provisions of section eleven of this Act:

Provided that nothing in this Act shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade mark from a date anterior to the user of the first-mentioned trade mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section twenty-one of this Act.

42.—Unregistered Trade Mark.—No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered trade mark unless such trade mark was in use before the thirteenth of August one thousand eight hundred and seventy-five, and has been refused registration under this Act. The Registrar may, on request, grant a certificate that such registration has been refused.

43.—Infringement.—In an action for the infringement of a trade mark the court trying the question of infringement shall admit evidence of the usages of the trade in respect to the get-up of the goods for which the trade mark is registered, and of any trade marks or get-up legitimately used in connection with such goods by other persons.

44.—User of Name, Address, or Description of Goods.—No registration under this Act shall interfere with any bonâ fide use by a person of his own name or place of business or that of any of his predecessors in business, or the use by any person of any bonâ fide description of the character or quality of his goods.

45.—"Passing-off" Action.—Nothing in this Act contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.

Legal Proceedings.

46.—Certificate of Validity.—In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of such trade mark, the court may certify the same, and if it so certifies then in any subsequent legal proceeding in which such validity comes into question, the proprietor of the said trade mark on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless in such subsequent proceeding the Court certifies that he ought not to have the same.

47.—Registrar to have Notice of Proceeding for Rectification.—In any legal proceeding in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court. Unless otherwise directed by the Court, the Registrar, in lieu of appearing and being heard, may submit to the Court a statement in writing

signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting the same or of the practice of the office in like cases, or of such other matters relevant to the issues, and within his knowledge as such Registrar, as he shall think fit, and such statement shall be deemed to form part of the evidence in the proceeding.

COSTS.

48.—COSTS OF PROCEEDINGS BEFORE THE COURT.—In all proceedings before the Court under this Act the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay the costs of any other of the parties.

EVIDENCE.

49.—MODE OF GIVING EVIDENCE.—In any proceeding under this Act before the Board of Trade or the Registrar, the evidence shall be given by statutory declaration in the absence of directions to the contrary, but, in any case in which it shall think it right so to do, the tribunal may (with the consent of the parties) take evidence vivâ voce in lieu of or in addition to evidence by declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

In case any part of the evidence is taken vivâ voce the Board of Trade or the Registrar shall in respect of requiring the attendance of witnesses and taking evidence on oath be in the same position in all respects as an Official Referee of the Supreme Court.

50.—SEALED COPIES TO BE EVIDENCE.—Printed or written copies or extracts of or from the register, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, shall be admitted in evidence in all courts in His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

51.—CERTIFICATE OF REGISTRAR TO BE EVIDENCE.—A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorised by this Act, or rules made thereunder, to make or do, shall be primâ facie evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

52.—CERTIFICATE OF BOARD OF TRADE TO BE EVIDENCE.—(1) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shewn.

(2) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

PART II.—POWERS AND DUTIES OF REGISTRAR OF TRADE MARKS.

53.—EXERCISE OF DISCRETIONARY POWER BY REGISTRAR.—Where any discretionary or other power is given to the Registrar by this Act, or rules made thereunder, he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard.

54.—APPEAL FROM REGISTRAR.—Except where expressly given by the provisions of this Act, or rules made thereunder, there shall be no appeal from a decision of the Registrar otherwise than to the Board of Trade, but the court, in dealing with any

questions of the rectification of the register (including all applications under the provisions of section thirty-five of this Act), shall have power to review any decision of the Registrar relating to the entry in question or the correction sought to be made.

55.—Recognition of Agents.—Where by this Act any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, such act may under and in accordance with rules made under this Act or in particular cases by special leave of the Board of Trade be done by or to an agent of such party duly authorised in the prescribed manner.

56.—Registrar may take Directions of Law Officers.—The Registrar may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to His Majesty's Attorney-General or Solicitor-General for England for directions in the matter.

57.—Annual Reports of Comptroller.—The Comptroller-General of Patents, Designs, and Trade Marks shall in his yearly report on the execution by or under him of the Patents, Designs, and Trade Marks Act, 1883, and Acts amending the same, include a report respecting the execution by or under him of this Act as though it formed a part of or was included in such Acts.

Powers and Duties of the Board of Trade.

58.—Proceedings before Board of Trade.—All things required or authorised under this Act to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

59.—Appeals to Board of Trade.—Where under this Act an appeal is made to the Board of Trade, the Board of Trade may, if they think fit, refer any such appeal to the Court in lieu of hearing and deciding it themselves, but, unless the Board so refer the appeal, it shall be heard and decided by the Board, and the decision of the Board shall be final.

60.—Power of Board of Trade to make Rules.—(1) Subject to the provisions of this Act the Board of Trade may from time to time make such rules, prescribe such forms, and generally do such things as they think expedient—

(*a*) For regulating the practice under this Act:

(*b*) For classifying goods for the purposes of registration of trade marks:

(*c*) For making or requiring duplicates of trade marks and other documents:

(*d*) For securing and regulating the publishing and selling or distributing in such manner as the Board of Trade think fit, of copies of trade marks and other documents:

(*e*) Generally, for regulating the business of the office in relation to trade marks and all things by this Act placed under the direction or control of the Registrar, or of the Board of Trade.

(2) Rules made under this section shall, whilst in force, be of the same effect as if they were contained in this Act.

(3) Before making any rules under this section the Board of Trade shall publish notice of their intention to make the rules and of the place where copies of the draft rules may be obtained in such manner as the Board consider most expedient, so as to enable persons affected to make representations to the Board before the rules are finally settled.

(4) Any rules made in pursuance of this section shall be forthwith advertised twice in the Trade Marks Journal, and shall be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament.

(5) If either House of Parliament within the next forty days after any rules have been so laid before such House, resolve that such rules or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

FEES.

61.—FEES.—There shall be paid in respect of applications and registration and other matters under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade.

SPECIAL TRADE MARKS.

62.—STANDARDIZATION, &C., TRADE MARKS.—Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying. When so registered such trade mark shall be deemed in all respects to be a registered trade mark, and such association or person to be the proprietor thereof, save that such trade mark shall be transmissible or assignable only by permission of the Board of Trade.

SHEFFIELD MARKS.

63.—SHEFFIELD MARKS.—With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called the Cutlers' Company), and the marks or devices (in this Act called Sheffield Marks), assigned or registered by the master, wardens, searchers and assistants of that company, the following provisions shall have effect:—

(1) The Cutlers' Company shall continue to keep at Sheffield the register of trade marks (in this Act called the Sheffield Register) kept by them at the date of the commencement of this Act, and, save as otherwise provided by this Act, such register shall for all purposes form part of the register:

(2) The Cutlers' Company shall, on request made in the prescribed manner, enter in the Sheffield Register, in respect of metal goods as defined in this section, all the trade marks which shall have been assigned by the Cutlers' Company and actually used before the first day of January one thousand eight hundred and eighty-four, but which have not been entered in such register before the passing of this Act:

(3) An application for registration of a trade mark used on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company:

(4) Every application so made to the Cutlers' Company shall be notified to the Registrar in the prescribed manner, and, unless the Registrar within the prescribed time gives notice to the Cutlers' Company of any objection to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner:

(5) If the Registrar gives notice of an objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may in the prescribed manner appeal to the Court:

(6) Upon the registration of a trade mark in the Sheffield Register the Cutlers' Company shall give notice thereof to the Registrar, who shall thereupon enter the mark in the register of trade marks; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the Registrar on that day:

(7) The provisions of this Act, and of any rules made under this Act with respect to the registration of trade marks, and all matters relating thereto, shall, subject to the provisions of this section (and notwithstanding anything in any Act relating to the Cutlers' Company), apply to the registration of trade marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act and any such rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield Register, for

the Registrar, the Patent Office, and the Register of Trade Marks respectively; and notice of every entry, cancellation, or correction made in the Sheffield Register shall be given to the Registrar by the Cutlers' Company:

(8) When the Registrar receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade mark used on metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company:

(9) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the Court:

(10) For the purposes of this section the expression "metal goods" means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal:

(11) For the purpose of legal proceedings in relation to trade marks entered in the Sheffield Register a certificate under the hand of the Master of the Cutlers' Company shall have the same effect as the certificate of the Registrar.

Cotton Marks.

64.—Cotton Marks.—(1) The Manchester Branch of the Trade Marks Registry of the Patent Office (hereinafter called "the Manchester Branch") shall be continued according to its present constitution. A chief officer of the Manchester Branch shall be appointed who shall be styled "the Keeper of Cotton Marks," and shall act under the direction of the Registrar. The present keeper of the Manchester Branch shall be the first Keeper of Cotton Marks.

(2) As regards cotton goods which have hitherto constituted classes 23, 24 and 25, under the classification of goods under the Patents, Designs and Trade Marks Acts, 1883 to 1902, the Register of Trade Marks for all such goods, except such as may be prescribed, shall be called "the Manchester Register," and a duplicate thereof shall be kept at the Manchester Branch.

(3) All applications for registration of trade marks for such cotton goods in the said classes (hereinafter referred to as "cotton marks") shall be made to the Manchester Branch.

(4) Every application so made to the Manchester Branch shall be notified to the Registrar in the prescribed manner, together with the report of the Keeper of Cotton Marks thereon, and unless the Registrar, after considering the report and hearing, if so required, the applicant, within the prescribed time gives notice to the Keeper of Cotton Marks of objection to the acceptance of the application, it shall be advertised by the Manchester Branch and shall be proceeded with in the prescribed manner.

(5) If the Registrar gives notice of objection as aforesaid the application shall not be proceeded with, but any person aggrieved may in the prescribed manner appeal to the Court or the Board of Trade, at the option of the applicant.

(6) Upon the registration of a trade mark in the Manchester Register the Keeper of Cotton Marks shall upon notice thereof from the Registrar thereupon enter the mark in the duplicate of the Manchester Register, and such registration shall bear date as of the day of application to the Manchester Branch, and shall have the same effect as if the application had been made to the Registrar on that day.

(7) When any mark is removed from or any cancellation or correction made in the Manchester Register, notice thereof shall be given by the Registrar to the Keeper of Cotton Marks, who shall alter the duplicate register accordingly.

(8) For the purpose of all proceedings in relation to trade marks entered in the Manchester Register a certificate under the hand of the Keeper of Cotton Marks shall have the same effect as a certificate of the Registrar.

(9) In every application for registration of a cotton mark, if such mark has been used by the applicant or his predecessors in business prior to the date of application, the length of time of such user shall be stated on the application.

(10) As from the passing of this Act—

(*a*) In respect of cotton piece goods and cotton yarn no mark consisting of a word or words alone (whether invented or otherwise) shall be registered, and no word or words shall be deemed to be distinctive in respect of such goods:—

(*b*) In respect of cotton piece goods no mark consisting of a line heading alone shall be registered, and no line heading shall be deemed to be distinctive in respect of such goods:

(*c*) No registration of a cotton mark shall give any exclusive right to the use of any word, letter, numeral, line heading, or any combination thereof.

(11) The right of inspection of the Manchester Register shall extend to and include the right to inspect all applications whatsoever that have been since the passing of the Trade Marks Registration Act, 1875, and hereafter shall have been made to the Manchester Branch in respect of cotton goods in classes 23, 24 and 25, whether registered, refused, lapsed, expired, withdrawn, abandoned, cancelled, or pending.

(12) The Keeper of Cotton Marks shall, on request, and on production of a facsimile of the mark, and on payment of the prescribed fee, issue a certified copy of the application for registration of any cotton mark, setting forth in such certificate the length of time of user (if any) of such mark as stated on the application, and any other particulars he may deem necessary.

(13) As regards any rules or forms affecting cotton marks which are proposed by the Board of Trade to be made, the draft of the same shall be sent to the Keeper of Cotton Marks and also to the Manchester Chamber of Commerce. And the said Keeper, and also the said Chamber, shall, if they or either of them so request, be entitled to be heard by the Board of Trade upon such proposed rules before the same are carried into effect.

(14) The existing practice whereby the keeper of the Manchester Branch consults the Trade and Merchandise Marks Committee appointed by the Manchester Chamber of Commerce upon questions of novelty or difficulty arising on applications to register cotton marks shall be continued by the Keeper of Cotton Marks.

International and Colonial Arrangements.

65.—International and Colonial Arrangements.—The provisions of sections one hundred and three and one hundred and four of the Patents, Designs, and Trade Marks Act, 1883 (as amended by the Patents, Designs, and Trade Marks (Amendment) Act, 1885), relating to the registration of trade marks both as enacted in such Acts and as applied by any Order in Council made thereunder, shall be construed as applying to trade marks registrable under this Act.

Offences.

66.—Falsification of Entries in Register.—If any person makes or causes to be made a false entry in the register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanor.

67.—Penalty on Falsely Representing a Trade Mark as Registered.—(1) Any person who represents a trade mark as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding five pounds.

(2) A person shall be deemed, for the purposes of this enactment, to represent that a trade mark is registered, if he uses in connection with the trade mark the word "registered," or any words expressing or implying that registration has been obtained for the trade mark.

Royal Arms.

68.—Unauthorised Assumption of Royal Arms.—If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive), in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person without the authority of His

Majesty or of a member of the Royal Family, uses in connection with any trade, business, calling, or profession any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty or such member of the Royal Family, he may, at the suit of any person who is authorised to use such arms or such device, emblem, or title, or is authorised by the Lord Chamberlain to take proceedings in that behalf, be restrained by injunction or interdict from continuing so to use the same: Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title to continue to use such trade mark.

Courts.

69.—General Saving for Jurisdiction of Courts.—The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Scotland or Ireland in any proceedings relating to trade marks; and with reference to any such proceedings in Scotland the term "the Court" shall mean the Court of Session; and with reference to any such proceedings in Ireland the term "the Court" shall mean the High Court of Justice in Ireland.

70.—Isle of Man.—This Act shall extend to the Isle of Man, and—

(1) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man in proceedings for infringement or in any action or proceeding respecting a trade mark competent to those courts:

(2) The punishment for a misdemeanor under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour and with or without a fine not exceeding one hundred pounds, at the discretion of the Court:

(3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

71.—Jurisdiction of Lancashire Palatine Court.—The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade marks, the registration whereof is applied for in the Manchester Branch, have the like jurisdiction under this Act as His Majesty's High Court of Justice in England, and the expression "the Court" in this Act shall be construed and have effect accordingly:

Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that Court in other cases.

72.—Offences in Scotland.—In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the Sheriff Court.

Repeal—Savings.

73.—Repeal and Saving for Rules, &c.—The enactments described in the schedule to this Act are repealed to the extent mentioned in the third column, but this repeal shall not affect any rule, table of fees, or classification of goods made under any enactment so repealed, but every such rule, table of fees, or classification of goods shall continue in force as if made under this Act until superseded by rules, tables of fees, or classification under this Act.

74.—Application of 46 & 47 Vict. c. 57, ss. 82-84.—The provisions of sections eighty-two to eighty-four of the Patents, Designs and Trade Marks Act, 1883, as amended by any subsequent enactment, shall continue to apply with respect to the administration at the Patent Office of the Law relating to the registration of trade marks, and shall accordingly be construed as if this Act formed part of that Act.

SCHEDULE.

ENACTMENTS REPEALED (S. 73).

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Sections sixty-two to eighty-one, and, so far as they respectively relate to trade marks, sections eighty-five to ninety-nine, one hundred and one, one hundred and two, one hundred and five, one hundred and eight, and one hundred and eleven to one hundred and seventeen.
51 & 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	Sections eight to twenty, and, so far as they respectively relate to trade marks, sections twenty-one to twenty-six.

CHAPTER XVI.

An Act to amend the Law with respect to Customs Duties in the Isle of Man.

[11*th August* 1905.]

CHAPTER XVII.

An Act to apply certain sums out of the Consolidated Fund to the service of years ending on the thirty-first day of March one thousand nine hundred and four and one thousand nine hundred and six, and to appropriate the Supplies granted in this Session of Parliament.

[11*th August* 1905.]

CHAPTER XVIII.

UNEMPLOYED WORKMEN ACT, 1905 (S. 7).

An Act to establish organisation with a view to the provision of Employment or Assistance for Unemployed Workmen in proper cases. [11*th August* 1905.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—ORGANISATION FOR LONDON.—(1) For the purposes of this Act there shall be established, by order of the Local Government Board under this Act, a distress committee of the council of every metropolitan borough in London, consisting partly of members of the borough council and partly of members of the board of guardians of every poor law union wholly or partly within the borough and of persons experienced in the relief of distress, and a central body for the whole of the administrative county of London, consisting partly of members of, and selected by, the distress committees and of members of, and selected by, the London County Council, and partly of persons co-opted to be additional members of the body, and partly, if the order so provides, of persons nominated by the Local Government Board, but the number of the persons so co-opted and nominated shall not exceed one-fourth of the total number of the body, and every such order shall provide that one member at least of the committee or body established by the order shall be a woman.

(2) The distress committee shall make themselves acquainted with the conditions of labour within their area, and when so required by the central body shall receive, inquire into, and discriminate between any applications made to them from persons unemployed:

Provided that a distress committee shall not entertain an application from any person unless they are satisfied that he has resided in London for such period, not being less than twelve months, immediately before the application, as the central body fix as a residential qualification.

(3) If the distress committee are satisfied that any such applicant is honestly desirous of obtaining work, but is temporarily unable to do so from exceptional causes over which he has no control, and consider that his case is capable of more suitable treatment under this Act than under the poor law, they may endeavour to obtain work for the applicant, or, if they think the case is one for treatment by the central body rather than by themselves, refer the case to the central body, but the distress committee shall have no power to provide, or contribute towards the provision of, work for any unemployed person.

(4) The central body shall superintend and, as far as possible, co-ordinate the action of the distress committees, and aid the efforts of those committees by establishing, taking over, or assisting labour exchanges and employment registers, and by the collection of information and otherwise as they think fit.

(5) The central body may, if they think fit, in any case of an unemployed person referred to them by a distress committee, assist that person by aiding the emigration or removal to another area of that person and any of his dependants, or by providing, or contributing towards the provision of, temporary work in such manner as they think best calculated to put him in a position to obtain regular work or other means of supporting himself.

(6) Any expenses of the central body under this Act, and such of the expenses of the distress committees under this Act as are incurred with the consent of the central body, shall be defrayed out of a central fund under the management of the central body, which shall be supplied by voluntary contributions given for the purpose, and by contributions made on the demand of the central body by the council of each metropolitan borough in proportion to the rateable value of the borough and paid as part of the expenses of the council:

Provided that—

(*a*) A separate account shall be kept of all sums supplied by contributions made by the councils of the metropolitan boroughs, and no expenses except—

(i) establishment charges of the central body and the distress committees, including the expenses incurred by them in respect of labour exchanges and employment registers and in the collection of information; and

(ii) the expenses incurred by the central body in aiding the emigration or removal to another area of an unemployed person and any of his dependants; and

(iii) the expenses incurred by the central body in relation to the acquisition, with the consent of the Local Government Board, of land for the purposes of this Act;

shall be paid out of that account.

(*b*) No such contribution by a council shall in any year exceed the amount which would be produced by a rate of one halfpenny in the pound calculated on the whole rateable value of the borough, or such higher rate, not exceeding one penny, as the Local Government Board may approve.

(7) The provision of temporary work or other assistance for any person under this Act shall not disentitle him to be registered or to vote as a parliamentary, county, or parochial elector, or as a burgess.

(8) This section shall apply to the City of London as if the City of London were a metropolitan borough, and the mayor, aldermen, and commons of the City of London in common council assembled were the council of the borough, and any contribution required for the purposes of this Act shall be paid out of the consolidated rate, but shall not be reckoned in calculating the amount of the rate for the purpose of any limit on that amount.

(9) The Local Government Board may, upon the application of the council of any borough or district adjoining or near to London, by order, extend the provisions of this section to that borough or district as if the borough or district were a metropolitan borough and were within the administrative county of London, and with such other modifications and adaptations as to the Board may appear necessary.

2.—ORGANISATION OUTSIDE LONDON.—(1) There shall be established by order of the Local Government Board for each municipal borough and urban district with a population, according to the last census for the time being, of not less than fifty

thousand, and not being a borough or district to which the provisions of section one of this Act have been extended, a distress committee of the council for the purposes of this Act, with a similar constitution to that of a distress committee in London, and the distress committee so established shall, as regards their borough or district, have the same duties and powers, so far as applicable, as are given by this Act to the distress committees and central body in London.

This provision shall extend to any municipal borough or urban district with a population, according to the last census for the time being, of less than fifty thousand but not less than ten thousand, if the council of the borough or district make an application for the purpose to the Local Government Board, and the Board consent.

(2) Subject as aforesaid, the Local Government Board may, on the application of any county or borough or district council, or board of guardians, or, if they think it expedient, without any such application, by order establish for the purposes of this Act in any county or part of a county a central body and distress committees with similar constitutions to those of the central body and distress committees in London, and the body and committees so established shall, subject to any exceptions made by the order, have the same duties and powers as respects their area as are given by this Act to the central body and distress committees respectively in London.

For the purposes of this provision a county borough with a population of less than fifty thousand shall be deemed to be included in the county in which it is, for the purposes of the Local Government Act, 1888, deemed to be situated.

(3) Where a central body and distress committees have not been established under this Act for the whole of a county, the council of that county, and, where a distress committee has not been established under this Act for a county borough, the council of that county borough shall constitute a special committee under this Act, consisting of members of the council, with power to co-opt any persons to be additional members of the committee; but the number of persons so co-opted shall not exceed one-fourth of the total number of the committee.

It shall be the duty of the council, in such a case, through the special committee, to collect information with respect to the conditions of labour within their area by establishing, taking over, or assisting labour exchanges and employment registers, and in such other manner as they think fit, and to supply any such information when required.

Any expenses incurred by a council under this provision shall be paid in the case of a county council out of the county fund as expenses for special or general county purposes, as the circumstances may require, and in the case of a borough council out of the borough fund or borough rate.

(4) Where any order is made under this section as respects any area, the provisions of this Act relating to London shall apply with respect to that area, with such necessary modifications and adaptations as may be made by the order.

3.—TEMPORARY PROVISION PENDING ESTABLISHMENT OF PROPER ORGANISATION.—Where at any time a central body and distress committees or a distress committee are about to be established for any area under this Act, any body already established in that area, whether before or after the passing of this Act, for the purpose of dealing with the unemployed, and any special committee under this Act may, if the Local Government Board think fit, be temporarily constituted by order of that Board a central body or a distress committee, as the case may be, until the establishment in accordance with this Act of a central body and distress committees or of a distress committee for that area.

4.—LOCAL GOVERNMENT BOARD ORDERS AND REGULATIONS.—(1) An order of the Local Government Board under this Act establishing a central body or distress committee may provide for the constitution and proceedings of that body or committee, and, in the case of an order establishing a central body, for the incorporation of that body by an appropriate name, and, where any property or liabilities are taken over from any other body, for affecting by virtue of the order the transfer of that property or those liabilities, and also for any matter for which provision may be made by regulations under this Act, and for which it appears desirable to make special provision affecting only the body or committee established by the order.

(2) An order of the Local Government Board under this Act may be varied and revoked by any subsequent order of the Board made under this Act.

(3) The Local Government Board may make regulations for carrying into effect this Act, and may by those regulations, amongst other things, provide—

(*a*) for regulating, subject to the provisions of this Act, the conditions under which any application may be entertained by a distress committee under this Act, and the conditions under which a central body may aid emigration or removal, or provide or contribute towards the provision of work under this Act, and otherwise for regulating the manner in which any duties under this Act are to be performed or powers exercised by any central body or distress committee or special committee under this Act; and

(*b*) for authorising the establishment, with the consent of the Local Government Board, of farm colonies by a central body established under this Act, and the provision, with the like consent, by such a body of temporary accommodation for persons for whom work upon the land is provided; and

(*c*) for authorising and regulating the acquisition by a central body of land by agreement for the purposes of this Act, and the disposal of any land so acquired; and

(*d*) for the employment of officers and provision of offices, and for enabling any inspector of the Local Government Board to attend the meeting of any body or committee established under this Act; and

(*e*) for authorising the acceptance of any money or property by a central body established under this Act, and for regulating the administration of any money or property so acquired; and

(*f*) for the payment of any receipts of a central body to the central fund, and for the apportionment, if necessary, of those receipts between the voluntary contribution account and the rate contribution account of that fund; and

(*g*) for the audit of the accounts of any central body established under this Act in the same manner and subject to the same provisions as to any matters incidental to the audit or consequential thereon as the accounts of a county council; and

(*h*) for enforcing the payment of contributions by any councils liable to make such contributions in pursuance of this Act, and for authorising and regulating the borrowing of money by a central body established under this Act; and

(*i*) for facilitating the co-operation of any body or committee having powers under this Act for any area with any other body or committee, or with any local authority, and the provision of assistance by one such body or committee to another; and

(*k*) for applying, with the necessary adaptations, to a distress committee having the powers of a central body regulations relating to a central body; and

(*l*) for the holding of local inquiries by the Local Government Board for the purposes of this Act, and for requiring returns to be made to the Board by any body or committee having powers under this Act; and

(*m*) for the application for the purposes of this Act, as respects any matters to be dealt with by the regulations, of any provision in any Act of Parliament dealing with the like matters, with any necessary modifications or adaptations.

All regulations made under this Act shall be laid as soon as may be before Parliament.

5.—APPLICATION TO SCOTLAND.—In the application of this Act to Scotland—

(1) "The Local Government Board for Scotland" shall be substituted for "the Local Government Board:"

(2) "Royal, parliamentary, or police burgh" shall be substituted for "municipal borough and urban district" and for "borough or district":

(3) "Parish" shall be substituted for "poor law union," "parish council" shall be substituted for "board of guardians," and "town council" shall be substituted for "council of the borough or district" and for "borough or district council":

(4) "Royal, parliamentary, or police burgh with a population, according to the last census for the time being, of less than fifty thousand, but not less than twenty thousand," shall be substituted for "county borough":

(5) References to special county purposes shall not apply:

(6) "Burgh general improvement assessment" or any other assessment leviable in equal proportions on owners and occupiers shall be substituted for "borough fund or borough rate": Provided that any rate under this Act shall not be reckoned in calculating the amount of such assessment for the purpose of any statutory limit on such assessment:

(7) "Inspector" shall include general superintendent and visiting officer:

(8) Sections forty-seven, fifty-two and fifty-three of the Local Government (Scotland) Act, 1894, shall be substituted for sections eighty-five, eighty-six and eighty-eight of the Local Government Act, 1894:

(9) "Municipal elector" shall be substituted for "burgess":

(10) Subsection three of section two of this Act shall not apply to any county or to any burgh except with the consent of the Local Government Board for Scotland expressed by order made on the application of the county council or town council, as the case may be.

6.—APPLICATION TO IRELAND.—In the application of this Act to Ireland—

(1) "The Local Government Board for Ireland" shall be substituted for "the Local Government Board":

(2) As respects population "ten thousand" shall be substituted for "fifty thousand," and "five thousand" for "ten thousand":

(3) The provisions of this Act relating to the inclusion of a county borough in a county shall not apply:

(4) Subsection three of section two of this Act shall not apply to any county in Ireland, except by order of the Local Government Board for Ireland made on the application of the council of that county:

(5) Articles forty, forty-three and forty-five of the schedule to the Local Government (Application of Enactments) Order, 1898, shall be substituted for sections eighty-five, eighty-six and eighty-eight respectively of the Local Government Act, 1894.

7.—SHORT TITLE.—This Act may be cited as the Unemployed Workmen Act, 1905.

8.—DURATION OF ACT.—This Act shall continue in force for three years from the date of the passing thereof, and no longer, unless Parliament otherwise determine, and at the expiration of that period, unless this Act is so continued as aforesaid, the Local Government Board shall make such orders as they think necessary for dissolving the central bodies and distress committees established under this Act, and transferring their property and liabilities; and for the purposes of such transfer sections eighty-five, eighty-six, and eighty-eight of the Local Government Act, 1894 (which relate to current rates, existing securities and debts, and pending contracts, &c.), shall apply, with such modifications and adaptations as may be made by order of the Local Government Board.

CHAPTER XIX.

An Act to empower the Secretary of State in Council of India to raise money in the United Kingdom for the construction, extension, and equipment of Railways in India, by State Agency, or through the Agency of Companies, and for other purposes.

[11*th August* 1905.]

CHAPTER XX.

An Act to make further provision for the construction of works in the United Kingdom and elsewhere for the purposes of the Royal Navy. [11*th August* 1905.]

CHAPTER XXI.

EXPIRING LAWS CONTINUANCE ACT, 1905 (S. 2).

An Act to continue various Expiring Laws. [11*th August* 1905.]

WHEREAS the Acts mentioned in Part I. of the Schedule to this Act are, in so far as

they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and five:

And whereas the Act mentioned in Part II. of the Schedule to this Act is, to the extent aforesaid, limited to expire at the end of the session of Parliament next after the thirty-first day of December nineteen hundred and five:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—CONTINUANCE OF ACTS IN SCHEDULE.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and six, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2.—SHORT TITLE.—This Act may be cited as the Expiring Laws Continuance Act, 1905.

SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 5 & 6 Will. 4, c. 27.	The Linen Manufactures (Ireland) Act, 1835.	The whole Act.	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2.) 3 & 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	——
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act.	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11. Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 & 22 Vict. c. 50.	——
(5.) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act.	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114, s. 10.
(6.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29, s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 23 & 24 Vict. c. 19.	The Labourers (Ireland) Act, 1860.	The whole Act.	——

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(8.) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act.	45 & 46 Vict. c. 61.
(9.) 27 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	——
(10.) 28 & 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act.	45 & 46 Vict. c. 49.
(11.) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act.	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77 (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(12.) 29 & 30 Vict. c. 52.	The Prosecutions Expenses Act, 1866.	The whole Act.	——
(13.) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(14.) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act.	34 & 35 Vict. c. 61.
(15.) 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
(16.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(17.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——
(18.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872.	The whole Act.	45 & 46 Vict. c. 50 (Municipal Elections).
(19.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act.	46 & 47 Vict. c. 51, s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(20.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37, s. 69.
(21.) 41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers' Expenses (Scotland) Act, 1878.	The whole Act.	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(22.) 41 & 42 Vict. c. 72.	The Sale of Liquors on Sunday (Ireland) Act, 1878.	The whole Act.	——

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(23.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act.	46 & 47 Vict c. 51.
(24.) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act.	——
(25.) 44 & 45 Vict. c. 5.	The Peace Preservation (Ireland) Act, 1881.	The whole Act.	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 20.
(26.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act.	58 & 59 Vict. c. 40.
(27.) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7, c. 37, Part IV.
(28.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act.	56 & 57 Vict. c. 73.
(29.) 49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(30.) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	——
(31.) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(32.) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(33.) 59 Vict. c. 1.	The Local Government (Elections) Act, 1896.	The whole Act.	——
(34.) 59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	As to the powers of the Light Railway Commissioners.	——
(35.) 61 & 62 Vict. c. 49.	The Vaccination Act, 1898.	The whole Act.	——

PART II.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
57 & 58 Vict. c. 12.	The Indian Railways Act, 1894.	The whole Act.	——

CHAPTER XXII.

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [11*th August* 1905.]

CHAPTER XXIII.

An Act to enable Provisional Orders to be made for removing any invalidity or doubt attaching to Marriages by reason of some informality. [11*th August* 1905.]

APPENDIX.

ACT OF SEDERUNT TO AMEND THE ACT OF SEDERUNT, DATED 18TH MARCH 1893, ANENT THE EXAMINATIONS OF LAW AGENTS. [23*rd December* 1904.]

THE Lords of Council and Session Enact and Declare that "A candidate who holds the degree of Bachelor of Laws (LL.B.) or Bachelor of Law (B.L.) of any Scottish University who has not passed in the Law of Scotland and Conveyancing, or either of them, for his degree, shall be required to pass a qualifying examination in the omitted subject or subjects to the satisfaction of the Examiners of Law Agents. And the Lords appoint the Act to be printed in the Books of Sederunt and to be printed and published in common form.

J. H. A. MACDONALD, *I.P.D.*

ACT OF SEDERUNT APPOINTING CERTAIN JUDGES UNDER THE VALUATION OF LANDS (SCOTLAND) AMENDMENT ACTS, 1857, 1867 AND 1879. [17*th January* 1905.]

THE Lords name and appoint Lord Stormonth Darling and Lord Low to perform the functions and exercise the jurisdiction conferred by the second section of the statute 20 & 21 Vict. cap. 58; the eighth section of the statute 30 & 31 Vict. cap. 80; and the seventh section of the statute 42 & 43 Vict. cap. 42. And the Lords appoint this Act to be inserted in the Books of Sederunt and to be published in the usual manner.

J. H. A. MACDONALD, *I.P.D.*

ACT OF SEDERUNT ANENT JURY CAUSE ROLL. [29*th June* 1905.]

WHEREAS it is expedient that provision should be made for the establishment of a separate Roll for "Jury Causes" depending before the "Inner House," therefore the Lords of Council and Session enact and ordain as follows:—

The Keepers of the Rolls of the First and Second Division of the Court respectively shall keep a separate Roll, to be entitled "Jury Cause Roll," in which shall be entered all Causes originating in the Sheriff-Court, in which issues have been adjusted by the Division, unless at the time of the adjustment of issues the Court has remitted the Cause to the "Outer House," and all Causes originating in the Court of Session in which notice of trial for the jury sittings has been given.

And the Lords appoint this Act to be inserted in the Books of Sederunt, and to be printed and published in common form.

DUNEDIN, *I.P.D.*

TABLE OF ALTERATIONS

ON

THE SCOTS STATUTES REVISED

AND ON

THE SCOTS STATUTES

BY THE LEGISLATION OF

5 EDWARD VII. (1905).

NOTE.—*The* Scots Acts *are referred to by the Chapter as in the 12mo Edition;* The Scots Statutes Revised *by the Volume and Page; and* The Scots Statutes *by the Year and Page. The continuation of Acts by the Expiring Laws Continuance Act (cap. 21) are not noted in this Table.*

Vol.	Page.	Act.	Alterations.
Scots Acts.			
		1693, c. 22.	In part repealed by 5 E. VII. c. 12, sec. 6 (2).
		1706, c. 6.	In part repealed by 5 E. VII. c. 12, sec. 6 (2).
Scots Statutes Revised.			
III.	80	8 & 9 V. c. 19	Sec. 22 applied by 5 E. VII. c. 11, sec. 2 (3).
V.	30	27 & 28 V. c. 23	Sec. 33 applied by 5 E. VII. c. 13, sec. 2 (3).
„	493	32 & 33 V. c. 103	Repealed by 5 E. VII. c. 4, sec. 8.
VI.	366	39 & 40 V. c. 36	Sec. 104 from " but no such notice " to end repealed by 5 E. VII. c. 4, sec. 8.
VII.	477	46 & 47 V. c. 57	Secs. 62 to 81, and so far as relating to trade marks, secs. 85 to 89, 101, 102, 105, 108, and 111 to 117 repealed by 5 E. VII. c. 15, sec. 73.
„	483	„ „	Secs. 82 to 84, 103 and 104 applied by 5 E. VII. c. 15, secs. 65 and 74.
„	562	48 & 49 V. c. 63	Sec. 6 applied by 5 E. VII. c. 15, sec. 65.
VIII.	34	49 & 50 V. c. 48	Sec. 27 amended by 5 E. VII. c. 14, sec. 1.
„	115	50 & 51 V. c. 58	Secs. 13 and 14 amended by 5 E. VII. c. 9, secs. 1 and 2.
„	201	51 & 52 V. c. 50	Secs. 8 to 20, and so far as relating to trade marks, secs. 21 to 26 repealed by 5 E. VII. c. 15, sec. 73.
„	521	54 & 55 V. c. 39	Secs. 69, 70 and 71, and part of First Schedule repealed by 5 E. VII. c. 4, secs. 5 and 8.
„	704	55 & 56 V. c. 55	Sec. 381, pars. 22 and 23 extended by 5 E. VII. c. 13, sec. 3 (1).
IX.	179	57 & 58 V. c. 58	Secs. 47, 52 and 53 applied by 5 E. VII. c. 18, secs. 5 (8) and 8.
„	354	57 & 58 V. c. 60	Secs. 684 to 686 and 693 applied by 5 E. VII. c. 13, sec. 7 (2).
X.	101	63 & 64 V. c. 7	Secs. 2 to 7 continued by E. VII. c. 4, secs. 2 and 3.
Scots Statutes.			
Year.	Page.		
1901	16	1 E. VII. c. 13	Continued for four years by 5 E. VII. c. 8, sec. 1.
1903	5	3 E. VII. c. 8	Sec. 6 (1) repealed by 5 E. VII. c. 4, sec. 8.
1903	117	3 E. VII. c. 46	Sec. 6 repealed by 5 E. VII. c. 4, sec. 8.
1904	7	4 E. VII. c. 7	Sec. 6 repealed by 5 E. VII. c. 4, sec. 8.

PRINTED BY WILLIAM GREEN AND SONS, EDINBURGH.

THE

SCOTS STATUTES 1906

PASSED IN THE SIXTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

EDINBURGH:
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THE SCOTS STATUTES, 1906,

PASSED IN THE SIXTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

CHAPTER I.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and six and one thousand nine hundred and seven. [30*th March* 1906.]

CHAPTER II.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army. [30*th March* 1906.]

CHAPTER III.

An Act to make provision with respect to loans and sales made for the purpose of the supply of Seed Potatoes to occupiers and cultivators of land in Ireland. [29*th May* 1906.]

CHAPTER IV.

Post Office (Money Orders) Act, 1906 (s. 2).

An Act to extend certain provisions of the Post Office (Money Orders) Acts to Money Orders transmitted to and from Foreign States and British Protectorates. [29*th May* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Extension of 46 & 47 Vict. c. 58, s. 4, to Foreign States and British Protectorates.—The provisions of section four of the Post Office (Money Orders) Act, 1883, shall extend to any case where an arrangement is made with the government, or with any person on behalf, of a foreign state or British protectorate for the transmission of small sums through the post offices of the United Kingdom and the foreign state or British protectorate by means of money orders of a like character to those issued under the Post Office (Money Orders) Act, 1880 (43 & 44 Vict. c. 33), as amended by any subsequent enactment.

2.—SHORT TITLE.—This Act may be cited as the Post Office (Money Orders) Act, 1906, and may be cited with the Post Office Acts, 1837 to 1904, and may also be cited, and shall be construed as one, with the Post Office (Money Orders) Acts, 1848 to 1904.

CHAPTER V.

SEAMEN'S AND SOLDIERS' FALSE CHARACTERS ACT, 1906 (S. 4).

An Act to amend the Law relating to the falsification of Seamen's and Soldiers' Certificates of Service or Discharge, and to false statements made, used, or given in connection with Entry or Enlistment into His Majesty's Naval, Military, or Marine Forces. [22*nd June* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—FORGERY OF SERVICE OR DISCHARGE CERTIFICATE AND PERSONATION.—(1) If any person forges the certificate of service or discharge of any seaman or soldier, or any certificate purporting to be a certificate of service or discharge of a seaman or soldier, or utters any such certificate knowing it to be forged, or obtains or seeks to obtain any employment or other advantage by means of any forged or counterfeit certificate of service or discharge, or personates the holder of a certificate of service or discharge, he shall on conviction under the Summary Jurisdiction Acts be liable in the case of a first offence to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, and in the case of a second or subsequent offence to imprisonment, with or without hard labour, for a term not exceeding three months.

(2) For the purposes of this section the expression "seaman" means a man who has served in His Majesty's naval forces, and the expression "soldier" means a man who has served in His Majesty's military or marine forces.

2.—PENALTY ON USING OR GIVING FALSE STATEMENTS FOR ENLISTMENT.—If any man when entering or enlisting or offering himself for entry or enlistment in His Majesty's naval, military, or marine forces makes use of any forged or counterfeit statement as to his character or previous employment, or any statement as to his character or previous employment which to his knowledge is false in any material particular, he shall be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding twenty pounds; and if any person makes a written statement as to the character or previous employment of any man which he knows to be false in any material particular, and which he allows or intends to be used for the purpose of the entry or enlistment of that man into His Majesty's naval, military, or marine forces, he shall be liable, on conviction under the Summary Jurisdiction Acts, to the like fine.

3.—EXTENSION OF 16 & 17 VICT. C. 69, S. 16, TO NAVAL RESERVES.—In section sixteen of the Naval Enlistment Act, 1853 (which imposes a penalty on persons who make or give a false statement upon entering or offering themselves to enter the naval service of His Majesty), the expression "naval service" shall include service in any of the naval reserve forces.

4.—SHORT TITLE.—This Act may be cited as the Seamen's and Soldiers' False Characters Act, 1906.

CHAPTER VI.

METROPOLITAN POLICE (COMMISSION) ACT, 1906 (S. 3).

An Act to facilitate the proceedings of the Commissioners appointed to hold an Inquiry respecting the Duties of the Metropolitan Police in dealing with cases of Drunkenness, Disorder, and Solicitation in the Streets. [22*nd June* 1906.]

WHEREAS a Commission has been issued by His Majesty whereby the Right Honourable Alfred Lyttelton, K.C., Willoughby Hyett Dickinson, Esquire, M.P., Rufus Daniel Isaacs, Esquire, K.C., M.P., David Brynmor Jones, Esquire, K.C., M.P., and

Charles Algernon Whitmore, Esquire (herein-after referred to as "the Commissioners"), have been authorised and directed to inquire into and report upon the duties of the Metropolitan Police in dealing with cases of drunkenness, disorder, and solicitation in the streets, and the manner in which those duties are discharged, with power to make recommendations thereon:

And whereas it is desirable to make provision for the more effective conduct by the Commissioners of any inquiry which they may be authorised to make:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—POWERS OF COMMISSIONERS.—(1) The Commissioners shall have all such powers, rights, and privileges as are vested in the High Court, or in any judge thereof, on the occasion of any action, in respect of the following matters:—

(i) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise; and

(ii) The compelling the production of documents; and

(iii) The punishing persons guilty of contempt;

and a summons signed by one or more of the Commissioners may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(2) A warrant of committal to prison issued for the purpose of enforcing the powers conferred by this section shall be signed by one or more of the Commissioners, and shall specify the prison to which the offender is to be committed, but shall not authorise the imprisonment of an offender for a period exceeding three months.

(3) Every person who on examination on oath or affirmation before the Commissioners wilfully gives false evidence shall be liable to the penalties for perjury.

(4) Any person may appear before the Commissioners by counsel or solicitor, if authorised to do so by the Commissioners.

2.—INDEMNITY TO WITNESSES.—(1) A person examined as a witness by the Commissioners shall not be excused from answering any question put to him, or from producing any document, on the ground that the answer thereto or production thereof may criminate or tend to criminate him.

(2) Every person examined as a witness, who, in the opinion of the Commissioners, makes a full and true disclosure touching all the matters in respect of which he is examined, shall be entitled to receive a certificate signed by the Commissioners, stating that the witness has, on his examination, made a full and true disclosure as aforesaid.

(3) If any criminal proceeding is at any time thereafter instituted against any such witness in respect of any matter touching which he has been so examined, the court having cognizance of the case shall, on his application, and on proof of the certificate, stay the proceeding.

(4) Nothing in this section shall apply to the case of proceedings for having given false evidence before the Commissioners, or of having procured, or attempted or conspired to procure, the giving of such evidence.

3.—SHORT TITLE.—This Act may be cited as the Metropolitan Police (Commission) Act, 1906.

CHAPTER VII.

An Act to amend the Law relating to the Superannuation of Constables.

[22*nd June* 1906.]

CHAPTER VIII.

FINANCE ACT, 1906 (S. 8).

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year.

[22*nd June* 1906.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the

necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—CUSTOMS AND EXCISE.

1.—DUTY ON TEA.—In lieu of the duty of customs payable on tea imported into Great Britain or Ireland, there shall, as from the fourteenth day of May nineteen hundred and six, until the fourteenth day of May nineteen hundred and seven, be charged, levied, and paid the following duty (that is to say):—

Tea, the pound, fivepence.

2.—AMENDMENTS WITH RESPECT TO DUTY ON STRIPPED TOBACCO AND DRAWBACKS ON TOBACCO.—(1) As from the first day of May nineteen hundred and six, one halfpenny per pound shall be substituted for threepence per pound as the increase of duty in the case of stripped tobacco under subsection (1) of section two of the Finance Act, 1904 (4 Edw. 7, c. 7), and the rebate under subsection (2) of that section shall cease as from the same day.

(2) As from the twenty-first day of May nineteen hundred and six, the table of rates of drawback set out in the First Schedule to this Act shall be substituted for the table of rates of drawback set out in the Schedule to the Finance Act, 1904.

(3) Subject to any regulations which the Commissioners of Customs may make, stalks, shorts, or other refuse of tobacco (including offal snuff) may be deposited by a licensed manufacturer of tobacco in a bonded warehouse for exportation as merchandise, and any drawback payable thereon shall, notwithstanding anything in section one of the Manufactured Tobacco Act, 1863 (26 & 27 Vict. c. 7), be paid with all convenient speed after the deposit.

(4) The Commissioners of Customs may permit, subject to any regulations which they may make, the shipment on drawback for use as stores of British manufactured tobacco, in packages containing such quantities as they may allow, direct from the premises of a licensed manufacturer of tobacco, and the like drawback shall be payable upon the shipment of the tobacco as would be payable upon the deposit of the tobacco in a bonded warehouse to be used as ships' stores.

3.—DUTY ON COAL TO CEASE.—On the first day of November nineteen hundred and six, the duty on coal imposed by section three of the Finance Act, 1901 (1 Edw. 7, c. 7), shall cease.

4.—CONTINUANCE OF ADDITIONAL CUSTOMS DUTIES AND DRAWBACKS ON TOBACCO, BEER, AND SPIRITS.—The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (63 & 64 Vict. c. 7) (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of July nineteen hundred and seven, and, as regards the period for which any additional drawback is allowed under the said section four, July nineteen hundred and seven shall be substituted for August nineteen hundred and one.

5.—CONTINUANCE OF ADDITIONAL EXCISE DUTIES AND DRAWBACKS ON BEER AND SPIRITS.—The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900 (63 & 64 Vict. c. 7), shall continue to be charged, levied, and paid until the first day of July nineteen hundred and seven, and, as regards the period in respect of which any additional drawback is allowed under the said section six, July nineteen hundred and seven shall be substituted for August nineteen hundred and one.

PART II.—INCOME TAX AND INHABITED HOUSE DUTY.

6.—INCOME TAX FOR 1906-1907.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and six shall be charged at the rate of one shilling.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and six shall have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property, which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853 (16 & 17 Vict. c. 34), or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and six, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection—

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869 (32 & 33 Vict. c. 67).

Part III.—National Debt.

7.—Reduction of Debt.—(1) The amount of the permanent annual charge for the National Debt under section one of the Sinking Fund Act, 1875 (38 & 39 Vict. c. 45), shall, during the current financial year, be the sum of twenty-eight and a half million, instead of twenty-eight million, pounds, and subsection (4) of section seven of the Finance Act, 1905, shall, as respects the current financial year, have effect accordingly.

(2) Any sums paid into the Exchequer in any year on account of the China indemnity shall be issued and applied in like manner as the new sinking fund.

Part IV.—General.

8.—Repeal, Construction, and Short Title.—(1) The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) Part I. of this Act so far as it relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

(3) This Act may be cited as the Finance Act, 1906.

SCHEDULES.

FIRST SCHEDULE.

Table of Rates of Drawback (s. 2).

	Ordinary Rate.	Addition while Additional 1900 Duty is in force.	Total while Additional 1900 Duty is in force.
	s. d.	*d.*	*s. d.*
Cigars . . . . . the lb.	3 1	4	3 5
Cigarettes . . . . . the lb.	3 0	4	3 4
Cut, roll, cake, or other manufactured tobacco . the lb.	2 11	4	3 3
Snuff (not being offal snuff) . . . . the lb.	2 10	4	3 2
Stalks, shorts, or other refuse of tobacco (including offal snuff) . . . . . the lb.	2 9	4	3 1

SECOND SCHEDULE.

ENACTMENTS REPEALED (S. 8).

Session and Chapter.	Short Title.	Extent of Repeal.
1 Edw. 7. c. 7.	The Finance Act, 1901.	Section three and the Fourth Schedule, as from the first day of November, nineteen hundred and six.
4 Edw. 7. c. 7.	The Finance Act, 1904.	Subsection (2) of section two and the table of rates of drawback in the Schedule.

CHAPTER IX.

An Act to amend the Indian Railways Act, 1894. [20*th July* 1906.]

CHAPTER X.

EDUCATION OF DEFECTIVE CHILDREN (SCOTLAND) ACT, 1906 (S. 3).

An Act to provide for the Education and Conveyance to School of Epileptic and Crippled and Defective Children. [20*th July* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—SCHOOL BOARDS TO HAVE POWER TO MAKE SPECIAL PROVISIONS FOR EDUCATION OF DEFECTIVE CHILDREN.—From and after the commencement of this Act, it shall be lawful for a school board in Scotland, if they think fit, either alone or in combination with one or more school boards, to make special provision for the education, medical inspection, and, where required, for the conveyance to and from school of epileptic or crippled or defective children between five and sixteen years of age within their education district, and to defray the cost thereof out of the school fund.

2.—DEFINITIONS.—In this Act the following words and expressions have the meanings herein-after assigned to them (that is to say):—

The expression "epileptic children" means children who, not being idiots or imbeciles, are unfit, by reason of severe epilepsy, to attend the ordinary schools:

The expression "defective children" means children who, not being imbecile, and not being merely dull or backward, are, by reason of mental or physical defect, incapable of receiving proper benefit from the instruction in the ordinary schools.

3.—SHORT TITLE, CONSTRUCTION, AND APPLICATION.—(1) This Act may be cited as the Education of Defective Children (Scotland) Act, 1906, and shall be construed as one with the Education (Scotland) Acts, 1872 to 1906.

(2) This Act shall apply to Scotland only.

CHAPTER XI.

RESERVE FORCES ACT, 1906 (S. 3).

An Act to amend the Law relating to the Reserve Forces. [20*th July* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—EXTENSION OF RESERVE FORCES ACTS TO MEN WHEN OUTSIDE THE UNITED KINGDOM.—(1) Notwithstanding anything in the Reserve Forces Acts, a man

belonging to the Army Reserve may, if so authorised by or under the directions of the Secretary of State, reside in any British protectorate or in any part of His Majesty's dominions outside the United Kingdom, and men may be enlisted into the Army Reserve in any British protectorate or in any part of His Majesty's dominions outside the United Kingdom except in a colony possessing responsible government, and those Acts shall, subject to such adaptations as may be made under this section, apply to such men whilst so residing, and to such enlistment.

(2) Regulations made under section twenty of the Reserve Forces Act, 1882 (45 & 46 Vict. c. 48), may prescribe the conditions under which men belonging to the Army Reserve may, if so authorised, reside outside the United Kingdom, and the conditions under which men may be enlisted into the Army Reserve outside the United Kingdom, and may make such adaptations in the Reserve Forces Acts as may be necessary for the purpose of adapting those Acts to the circumstances of the several parts of His Majesty's dominions outside the United Kingdom or of British protectorates.

(3) In this section the expression "Reserve Forces Acts" means the Reserve Forces Act, 1882, as amended by any subsequent enactment, and includes any enactment applied by that Act as so amended; and the expression "colony possessing responsible government" means any colony which is specified in the Schedule to this Act, or which may hereafter on the grant to the colony of responsible government be added to that Schedule by Order in Council.

2.—Amendment of 45 & 46 Vict. c. 48, s. 14.—In subsection (2) of section fourteen of the Reserve Forces Act, 1882 (which relates to the appointment and transfer to corps of men belonging to the reserve forces when called out on permanent service), the words "so, however, that he shall not without his consent be appointed or transferred to a corps which is not in the arm or branch in which he previously served" shall be repealed, but this repeal shall not, without his consent, obtained at or after the time of mobilisation, affect any man enlisted before the passing of this Act.

3.—Short Title.—This Act may be cited as the Reserve Forces Act, 1906, and the Reserve Forces Acts, 1882 (45 & 46 Vict. c. 48) and 1890 (61 & 62 Vict. c. 9), and so much of the Reserve Forces and Militia Act, 1898 (53 & 54 Vict. c. 42), as applies to the reserve forces, and the Reserve Forces Act, 1899 (62 & 63 Vict. c. 40), and the Reserve Forces Act, 1900 (63 & 64 Vict. c. 42), and this Act, may be cited together as the Reserve Forces Acts, 1882 to 1906.

SCHEDULE.

List of Colonies (s. 1).

The Dominion of Canada.
The Commonwealth of Australia.
New Zealand.
Cape Colony.
Natal.
Newfoundland.

CHAPTER XII.

An Act to amend the Municipal Corporations Act, 1882. [20*th July* 1906.]

CHAPTER XIII.

Wireless Telegraphy Act, 1906 (s. 2).

An Act to continue the Wireless Telegraphy Act, 1904. [20*th July* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—CONTINUANCE OF THE WIRELESS TELEGRAPHY ACT, 1904, 4 EDW. 7, c. 24.—The Wireless Telegraphy Act, 1904, shall continue in force until the thirty-first day of December one thousand nine hundred and nine, and section six of that Act is hereby repealed.

2.—SHORT TITLE.—This Act may be cited as the Wireless Telegraphy Act, 1906, and may be cited with the Telegraph Acts, 1863 to 1904.

CHAPTER XIV.

ALKALI, &c. WORKS REGULATION ACT, 1906 (s. 31).
[6 EDW. 7. CH. 14.]

ARRANGEMENT OF SECTIONS.

PART I.—ALKALI WORKS AND ALKALI WASTE.

Section.
1. Condensation of muriatic acid gas in alkali works.
2. Prevention of discharge of noxious and offensive gas in alkali works.
3. Separation of acids and other substances from alkali waste and drainage therefrom.
4. Deposit or discharge of alkali waste.
5. Prevention of nuisance from alkali waste already deposited or discharged.

PART II.—SULPHURIC ACID, MURIATIC ACID, AND OTHER SPECIFIED WORKS.

6. Condensation of acid gases in sulphuric acid and muriatic acid works.
7. Prevention of discharge of noxious or offensive gas in scheduled works.
8. Provisional Order to prevent discharge of noxious or offensive gas in cement and smelting works.

PART III.

(i) REGISTRATION OF WORKS.

9. Registration of works, and stamp duty.

(ii) INSPECTION.

10. Appointment of inspectors.
11. Disqualification of certain persons for inspectors.
12. Inspection of works.
13. Annual report to Local Government Board.
14. Additional inspector on application of sanitary authorities.

(iii) SPECIAL RULES.

15. Power of owners of works to make special rules.

(iv) PROCEDURE.

16. Provision as to calculation of acid.
17. Recovery of fines for offences against Act in county court.
18. Further provisions as to recovery of fines in county court.
19. Application of fines.
20. Discharge of owner on conviction of actual offender.
21. Service of notices.
22. Complaint by sanitary authority in cases of nuisance.
23. Actions in case of contributory nuisance.

(v) MISCELLANEOUS.

24. Expenses of sanitary authorities.
25. Determination of questions by chief inspector.
26. Temporary provision as to the over-heat pan process.

Section.
27. Interpretation of terms.
28. Application to Scotland.
29. Saving as to general law.
30. Repeals.
31. Short title and commencement.
SCHEDULES.

CHAPTER XIV.

ALKALI, &c. WORKS REGULATION ACT, 1906.

An Act to consolidate and amend the Alkali, &c. Works Regulation Acts, 1881 *and* 1892. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—ALKALI WORKS AND ALKALI WASTE.

1.—CONDENSATION OF MURIATIC ACID GAS IN ALKALI WORKS.—(1) Every alkali work shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, of the muriatic acid gas evolved in such work, to the extent of ninety-five per centum, and to such an extent that in each cubic foot of air, smoke, or chimney gases, escaping from the works into the atmosphere, there is not contained more than one-fifth part of a grain of muriatic acid.

(2) The owner of any alkali work which is carried on in contravention of this section shall be liable to a fine not exceeding in the case of the first offence fifty pounds, and in the case of every subsequent offence one hundred pounds.

2.—PREVENTION OF DISCHARGE OF NOXIOUS AND OFFENSIVE GAS IN ALKALI WORKS.—(1) In addition to the condensation of muriatic acid gas as aforesaid, the owner of every alkali work shall use the best practicable means for preventing the escape of noxious or offensive gases by the exit flue of any apparatus used in any process carried on in the work, and for preventing the discharge, whether directly or indirectly, of such gases into the atmosphere, and for rendering such gases where discharged harmless and inoffensive, subject to the qualification that, on the basis of the amount of acid gas per cubic foot, no objection shall be taken under this section by an inspector to any muriatic acid gas in the air, smoke, or gases discharged into the atmosphere by a chimney or other final outlet where the amount of such acid gas in each cubic foot of air, smoke, or gases so discharged does not exceed the amount limited by the last preceding section.

(2) If the owner of any alkali work fails, in the opinion of the court having cognisance of the matter, to use such means, he shall be liable to a fine not exceeding in the case of the first offence twenty pounds, and in the case of every subsequent offence fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

3.—SEPARATION OF ACIDS AND OTHER SUBSTANCES FROM ALKALI WASTE AND DRAINAGE THEREFROM.—(1) Every work of whatever description in which any liquid containing either acid or any other substance capable of liberating sulphuretted hydrogen from alkali waste or drainage therefrom is produced or used shall be carried on in such manner that the liquid shall not come in contact with alkali waste, or with drainage therefrom, so as to cause a nuisance.

(2) The owner of any work which is carried on in contravention of this section shall be liable to a fine not exceeding in the case of the first offence fifty pounds, and in the case of every subsequent offence one hundred pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

(3) On the request of the owner of any such work as is mentioned in this section the sanitary authority of the district in which such work is situate shall, at the expense of such owner, provide and maintain a drain or channel for carrying off such liquid as aforesaid produced in such work into the sea or into any river or watercourse

into which the liquid can be carried without contravention of the Rivers Pollution Prevention Act, 1876 (39 & 40 Vict. c. 75), as amended by any subsequent enactment; and the sanitary authority shall for the purpose of providing any such drain or channel have the like powers as they have for providing sewers, whether within or without their district, under the Public Health Act.

(4) Compensation shall be made to any person for any damage sustained by him by reason of the exercise by a sanitary authority of the powers conferred by this section, and such compensation shall be deemed part of the expenses to be paid by the owner making the request to the sanitary authority under this section.

4.—DEPOSIT OR DISCHARGE OF ALKALI WASTE.—(1) Alkali waste shall not be deposited or discharged without the best practicable means being used for effectually preventing any nuisance arising therefrom.

(2) Any person who causes or knowingly permits any alkali waste to be deposited or discharged in contravention of this section shall be liable to a fine not exceeding in the case of the first offence twenty pounds, and in the case of every subsequent offence fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

5.—PREVENTION OF NUISANCE FROM ALKALI WASTE ALREADY DEPOSITED OR DISCHARGED.—Where alkali waste has been deposited or discharged, either before or after the commencement of this Act, and complaint is made to the chief inspector that a nuisance is occasioned thereby, the chief inspector, if satisfied of the existence of the nuisance, and that it is within the power of the owner or occupier of the land to abate it, shall serve a notice on such owner or occupier requiring him to abate the nuisance; and, if such owner or occupier fails to use the best practicable and reasonably available means for the abatement thereof, he shall be liable to a fine not exceeding twenty pounds, and, if he does not proceed to use such means within such time as may be limited by the court inflicting such fine, he shall be liable to a further penalty not exceeding five pounds for every day after the expiration of the time so limited during which such failure continues.

PART II.—SULPHURIC ACID, MURIATIC ACID, AND OTHER SPECIFIED WORKS.

6.—CONDENSATION OF ACID GASES IN SULPHURIC ACID AND MURIATIC ACID WORKS.—(1) Every sulphuric acid work as defined in paragraph (1) of the First Schedule to this Act shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, of the acid gases of sulphur or of sulphur and nitrogen which are evolved in the process of the manufacture of sulphuric acid in that work, to such an extent that the total acidity of those gases in each cubic foot of residual gases after completion of the process, and before admixture with air, smoke, or other gases, does not exceed what is equivalent to four grains of sulphuric anhydride.

(2) Every muriatic acid work as defined in paragraph (8) of the First Schedule to this Act shall be carried on in such manner as to secure the condensation to the satisfaction of the chief inspector of the muriatic acid gas evolved in such work, to such extent that in each cubic foot of air, smoke, or chimney gases escaping from the work into the atmosphere there is not contained more than one-fifth part of a grain of muriatic acid.

(3) The owner of any sulphuric acid work or of any muriatic acid work which is carried on in contravention of this section shall be liable to a fine not exceeding in the case of the first offence fifty pounds, and in the case of every subsequent offence one hundred pounds.

7.—PREVENTION OF DISCHARGE OF NOXIOUS OR OFFENSIVE GAS IN SCHEDULED WORKS.—(1) The owner of any work specified in the First Schedule to this Act (herein-after referred to as a scheduled work) shall use the best practicable means for preventing the escape of noxious or offensive gases by the exit flue of any apparatus used in any process carried on in the work, and for preventing the discharge, whether directly or indirectly, of such gases into the atmosphere, and for rendering such gases where discharged harmless and inoffensive, subject to the qualification that, on the basis of the amount of acid gas per cubic foot, no objection shall be taken under this section by an inspector—

(*a*) To any muriatic acid gas in the air, smoke, or gases discharged into the atmosphere by a chimney or other final outlet, where the amount of such acid gas in each cubic foot of air, smoke, or gases so discharged does not exceed the amount limited by the last preceding section:

(*b*) To any acid gases in the air, smoke, or gases discharged into the atmosphere by a chimney or other final outlet receiving the residual gases from any process for the concentration or distillation of sulphuric acid, where the total acidity of such acid gases (including those from the combustion of coal) in each cubic foot of air, smoke, or gases so discharged does not exceed what is equivalent to one grain and a half of sulphuric anhydride.

(2) If the owner of any such work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be liable to a fine not exceeding in the case of the first offence twenty pounds, and in the case of every subsequent offence fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

8.—Provisional Order to Prevent Discharge of Noxious or Offensive Gas in Cement and Smelting Works.—(1) An inspector may inquire whether, in any works in which aluminous deposits are treated for the purpose of making cement (herein-after called cement works) or in any works in which sulphide ores, including regulus, are calcined or smelted (herein-after called smelting works), means can be adopted at a reasonable expense for preventing the discharge from the furnaces or chimneys of such works into the atmosphere of any noxious or offensive gas evolved in such works, or for rendering such gas where discharged harmless or inoffensive.

(2) Where it appears to the Local Government Board that such means can be adopted at a reasonable expense, the Board may by order require the owners of such works to adopt the best practicable means for the purpose, and may by the order limit the amount or proportion, in the case of cement works or smelting works, of any noxious or offensive gas which is to be permitted to escape from such works into the chimney or into the atmosphere, and may also by the order extend to such works such provisions of this Act relating to scheduled works as they think fit.

(3) An order made under this section shall be provisional only, and shall not be of any validity until confirmed by Parliament, but when so confirmed shall have full effect, with such modifications as may be made therein by Parliament; and the expression "this Act" when used in this Act shall be deemed to include an order so confirmed, so far as is consistent with the tenor of that order.

(4) The Board shall take such steps as they may think fit for giving notice to persons interested of the provisions of any order made by them under this section before any Bill for confirming the same is introduced into Parliament.

(5) An order made under this section may impose fines for a breach of its provisions of like amount as any fines imposed by this Act for offences against this Act.

(6) An order made under this section may be repealed, altered, or amended by any subsequent order made under this section, and confirmed by Parliament.

Part III.—(i) Registration of Works.

9.—Registration of Works, and Stamp Duty.—(1) An alkali work, a scheduled work, a cement work, or a smelting work shall not be carried on unless it is certified to be registered.

(2) The work shall be registered in a register containing the prescribed particulars, and the register shall be conducted and the certificates issued in the prescribed manner.

(3) A certificate of registration, if issued at a time when a previous certificate is in force, shall be in force for one year after the time when that certificate ceases to be in force, and if issued at a time when no previous certificate is in force shall be in force until the following first day of April.

(4) An application for a certificate of registration of a work may, in the case of the first registration of that work, be made at any time, and an application for any subsequent certificate in respect of that work shall be made in the month of January or February.

(5) A certificate of registration shall be issued on application being made in the prescribed manner by the owner of the work, if the conditions of registration are

complied with, and one of the conditions, in the case of the first registration of an alkali or scheduled work, or the registration of such a work if the work has been closed for a period of twelve months previously, shall be that the work is at the time of registration furnished with such appliances as appear to the chief inspector or, on appeal, to the Local Government Board to be necessary in order to enable the work to be carried on in accordance with such of the requirements of this Act as apply to the work.

Provided that the Local Government Board may dispense with the last-mentioned condition in the case of works erected before the commencement of this Act which were not before the commencement of this Act required to be registered.

(6) There shall be charged upon every such certificate a stamp duty of five pounds in the case of an alkali work, and of three pounds in the case of any other work, and the Commissioners of Inland Revenue shall issue stamped forms of certificate for the purpose.

(7) Written notice of any change which occurs in the ownership of a work or in the other particulars stated in the register shall within one month after such change be sent by the owner to the Local Government Board, and the register and the certificate shall be altered accordingly in the prescribed manner without charge and without the issue of a new certificate. If such notice is not sent as so required the work shall not be deemed to be certified to be registered.

(8) The owner of a work which has been carried on in contravention of this section shall be liable to a fine not exceeding fifty pounds.

(ii) INSPECTION.

10.—APPOINTMENT OF INSPECTORS.—(1) The Local Government Board shall, with the approval of the Treasury as to numbers and salaries or remuneration, appoint such inspectors (under whatever title they may fix) as the Board think necessary for the execution of this Act, and may assign them their duties and award them their salaries or remuneration, and shall constitute a chief inspector, and may regulate the cases and manner in which the inspectors are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors.

(2) Notice of the appointment of every such inspector shall be published in the *London Gazette*, and a copy of the *Gazette* shall be evidence of the appointment.

(3) The salaries or remuneration of the inspectors, and such expenses of the execution of this Act as the Treasury may sanction, shall be paid out of moneys provided by Parliament.

(4) A person holding the office of chief inspector or inspector shall not be employed in any other work except with the sanction of the Local Government Board.

(5) In the case of the illness or other unavoidable absence of the chief inspector, the Local Government Board may appoint any other inspector to act as his deputy, and the inspector so appointed shall, whilst so acting, have all the powers by or under this Act conferred on the chief inspector.

11.—DISQUALIFICATION OF CERTAIN PERSONS FOR INSPECTORS.—A person who—

(*a*) acts or practises as a land agent; or

(*b*) is engaged or interested directly or indirectly in any work to which this Act applies, or in any patent for any process or apparatus carried on or used in any such work, or in any process or apparatus connected with the condensation of acid gases, or with the treatment of alkali waste, or with preventing the discharge into the atmosphere or rendering harmless or inoffensive any noxious or offensive gas, or otherwise with any of the matters dealt with by this Act; or

(*c*) is employed in or about or in connexion with any work to which this Act applies, or in any other chemical work for gain,

shall be disqualified to act as an inspector under this Act.

12.—INSPECTION OF WORKS.—(1) For the purpose of the execution of this Act, an inspector may at all reasonable times by day and night, without giving previous notice, but so as not to interrupt the process of the manufacture,

(*a*) enter and inspect any work to which, in the opinion of the Local Government Board, any of the provisions of this Act applies; and

(*b*) examine any process causing the evolution of any noxious or offensive gas, and any apparatus for condensing any such gas, or otherwise preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged; and

(*c*) ascertain the quantity of gas discharged into the atmosphere, condensed or otherwise dealt with; and

(*d*) enter and inspect any place where alkali waste is treated or deposited, or where any liquid containing either acid or any other substance capable of liberating sulphuretted hydrogen from alkali waste or drainage therefrom is likely to come into contact with alkali waste or drainage therefrom; and

(*e*) apply any such tests and make any such experiments, and generally make all such inquiries, as seem to him to be necessary or proper for the execution of his duties under this Act.

(2) The owner of any such work shall, on the demand of the chief inspector, furnish him within a reasonable time with a sketch plan, to be kept secret, of those parts of such work in which any process causing the evolution of any noxious or offensive gas or any process for the condensation of such gas or for preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, is carried on.

(3) The owner of every such work and his agents shall render to every inspector all necessary facilities for entry, inspection, examination, and testing in pursuance of this Act.

(4) Every owner of a work in which such facilities are not afforded to an inspector as are required by this Act, or in which an inspector is obstructed in the execution of his duty under this Act, and every person wilfully obstructing an inspector in the execution of his duty under this Act, shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding ten pounds.

13.—Annual Report to Local Government Board.—The chief inspector shall, on or before the first day of March in every year, make a report in writing to the Local Government Board of the proceedings of himself and of the other inspectors under this Act, and a copy of such report shall be laid before both Houses of Parliament.

14.—Additional Inspector on Application of Sanitary Authorities.—(1) If any sanitary authority apply to the central authority for an additional inspector under this Act, and undertake to pay a proportion of his salary or remuneration, not being less than one half, the Local Government Board may (if they see fit), with the sanction of the Treasury, appoint an additional inspector under this Act, to reside within a convenient distance of the works he is required to inspect; and such inspector shall have the same powers and be subject to the same power of removal and to the same regulations and liabilities as other inspectors under this Act.

(2) The proportion of salary or remuneration aforesaid shall be paid at the prescribed times into the Exchequer, and shall be a debt due from the sanitary authority to the Crown.

(iii) Special Rules.

15.—Power of Owners of Works to make Special Rules.—(1) The owner of an alkali work or of a scheduled work may, with the sanction of the central authority, make special rules for the guidance of his workmen who are employed in or in connexion with any process causing the evolution of any noxious or offensive gas, or in or in connexion with the condensation or other treatment of that gas, and may annex fines to any violation of such rules, so that the fine for any offence do not exceed two pounds.

(2) A printed copy of the special rules in force under this section in any work shall be given by the owner of that work to every person working or employed in or about that work who is affected thereby.

(3) Any fine incurred under this Act in respect of an offence against a special rule may be recovered in accordance with the Summary Jurisdiction Acts.

(iv) Procedure.

16.—Provision as to Calculation of Acid.—In calculating the proportion of acid

to a cubic foot of air, smoke, or gases, for the purposes of this Act, such air, smoke, or gases shall be calculated at the temperature of sixty degrees of Fahrenheit's thermometer, and at a barometric pressure of thirty inches.

17.—RECOVERY OF FINES FOR OFFENCES AGAINST ACT IN COUNTY COURT.—The following regulations shall have effect with respect to the recovery of fines for offences under this Act other than fines recoverable summarily:—

(1) Every such fine shall be recovered by action in the county court having jurisdiction in the district in which the offence is alleged to have been committed:

(2) The action shall not be brought without the sanction of the central authority, nor by any person other than the chief inspector or such other inspector as the Local Government Board may in any particular case direct, nor, except as respects a fine for the contravention of the provisions of this Act as to the registration of works, after the expiration of three months from the commission of the offence, and for the purposes of such action the fine shall be deemed to be a debt due to such inspector:

(3) The plaintiff in any action for a fine under this Act shall be presumed to be an inspector authorised under this Act to bring the action, until the contrary is proved by the defendant:

(4) The court may, on the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such remuneration as the court thinks just; and the amount so awarded shall be deemed to be costs in the action:

(5) If either party in any action under this Act feels aggrieved by the decision or direction of the court in point of law, or on the merits, or in respect of the admission or rejection of any evidence, he may appeal to the High Court:

(6) Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts, and to appeals shall apply as if the action related to a matter within the ordinary jurisdiction of the court.

18.—FURTHER PROVISIONS AS TO RECOVERY OF FINES IN COUNTY COURT.—(1) In any proceeding under this Act in relation to a fine for an offence other than an offence against a special rule—

(*a*) It shall be sufficient to allege that any work is a work to which this Act applies, without more; and

(*b*) It shall be sufficient to state the name of the registered or ostensible owner of the work, or the title of the firm by which the employer of persons in such work is usually known.

(2) A person shall not be subject to a fine under this Act for more than one offence in respect of the same work or place in respect of any one day.

(3) Not less than twenty-one days before the hearing of any proceeding against an owner to recover a fine under this Act for failing to secure the condensation of any gas to the satisfaction of the chief inspector, or for failing to use the best practicable means as required by this Act, an inspector shall serve on the owner proceeded against a notice in writing stating, as the case requires, either the facts on which such chief inspector founds his opinion, or the means which such owner has failed to use, and the means which, in the chief inspector's opinion, would suffice, and shall produce a copy of such notice before the court having cognisance of the matter.

(4) A person shall not be liable under this Act to an increased fine in respect of a second offence, or in respect of a third or any subsequent offence, unless a fine has been recovered within the preceding twelve months against such person for the first offence, or for the second or other offence, as the case may be.

19.—APPLICATION OF FINES.—All fines recovered under this Act, other than those recovered summarily, shall be paid into the Exchequer.

20.—DISCHARGE OF OWNER ON CONVICTION OF ACTUAL OFFENDER.—The owner of a work in which an offence under this Act other than an offence against a special rule has been proved to have been committed shall in every case be deemed to have committed the offence, and shall be liable to pay the fine, unless he proves, to the satisfaction of the court before which any proceeding is instituted to recover such fine, that he has used due diligence to comply with and to enforce the execution of

this Act, and that the offence in question was committed, without his knowledge, consent, or connivance, by some agent servant or workman, whom he shall charge by name as the actual offender; in which case such agent servant or workman shall be liable to pay the fine, and proceedings may be taken against him for the recovery thereof and of the costs of all proceedings which may be taken either against himself or against the owner under this Act:

Provided that it shall be lawful for the inspector to proceed against the person whom he believes to be the actual offender, without first proceeding against the owner, in any case where the inspector is satisfied that the owner has used all due diligence to comply with and to enforce the provisions of this Act, and that the offence has been committed by that person without the knowledge, consent, or connivance of the owner.

21.—Service of Notices.—Any notice, summons, or other document required or authorised for the purposes of this Act to be delivered to or served on or sent to the owner of any work, may be served by post or by delivering the same to the owner, or at his residence or works; and the document shall be deemed to be properly addressed if addressed to the registered address of an owner, or, when required to be served on or sent to the owner of any works, if addressed to the owner of the works at the works, with the addition of the proper postal address, but without naming the person who is the owner.

22.—Complaint by Sanitary Authority in Cases of Nuisance.—(1) Where complaint is made to the central authority by any sanitary authority, on information given by any of their officers, or any ten inhabitants of their district, that any work to which this Act applies is carried on (either within or without the district) in contravention of this Act, or that any alkali waste is deposited or discharged (either within or without the district) in contravention of this Act, and that a nuisance is occasioned thereby to any of the inhabitants of their district, the central authority shall make such inquiry into the matters complained of, and after the inquiry may direct such proceedings to be taken by an inspector as they think fit and just.

(2) The sanitary authority complaining shall, if so required by the central authority, pay the expense of any such inquiry.

23.—Actions in Case of Contributory Nuisance.—(1) Where a nuisance arising from the discharge of any noxious or offensive gas or gases is wholly or partially caused by the acts or defaults of the owners of several works to which any of the provisions of this Act applies, any person injured by such nuisance may proceed against any one or more of such owners, and may recover damages from each owner made a defendant in proportion to the extent of the contribution of that defendant to the nuisance, notwithstanding that the act or default of that defendant would not separately have caused a nuisance.

(2) This section shall not authorise the recovery of damages from any defendant who can produce a certificate from the chief inspector that in the works of that defendant the requirements of this Act have been complied with and were complied with when the nuisance arose.

(v) Miscellaneous.

24.—Expenses of Sanitary Authorities.—Any expenses incurred by a sanitary authority under this Act shall be defrayed as general expenses incurred by the authority in the execution of the Public Health Act.

25.—Determination of Questions by Chief Inspector.—In determining any matter which under this Act is to be determined by the chief inspector, the chief inspector may found his opinion on facts disclosed by his own examination, or by an examination by any other inspector.

26.—Temporary Provision as to the Over-heat Pan Process.—(1) For a period of three years after the commencement of this Act paragraph (*b*) of section seven of this Act shall apply, where the process for the concentration of sulphuric acid is that known as the over-heat pan process, as if in that paragraph two grains of sulphuric anhydride were substituted for one grain and a half of sulphuric anhydride.

(2) For the purposes of this section "the over-heat pan process" means the process in which the concentration of sulphuric acid is effected by the passage of the heated gases resulting from the combustion of fuel over the surface of the acid.

27.—INTERPRETATION OF TERMS.—(1) In this Act, unless the context otherwise requires,—

The expression "alkali work" means every work for—

(*a*) the manufacture of sulphate of soda or sulphate of potash, or

(*b*) the treatment of copper ores by common salt or other chlorides whereby any sulphate is formed,

in which muriatic acid gas is evolved:

The expression "noxious or offensive gas" includes the following gases and fumes:—

Muriatic acid;
Sulphuric acid;
Sulphurous acid, except that arising solely from the combustion of coal;
Nitric acid and acid-forming oxides of nitrogen;
Sulphuretted hydrogen;
Chlorine, and its acid compounds;
Fluorine compounds;
Cyanogen compounds;
Bisulphide of carbon;
Chloride of sulphur;
Fumes from cement works;
Fumes containing copper, lead, antimony, arsenic, zinc, or their compounds;
Fumes from tar works:

The expression "owner" includes any lessee, occupier, or any other person carrying on any work to which this Act applies:

The expression "best practicable means," where used with respect to the prevention of the escape of noxious and offensive gases, has reference not only to the provision and the efficient maintenance of appliances adequate for preventing such escape, but also to the manner in which such appliances are used and to the proper supervision, by the owner, of any operation in which such gases are evolved:

The expression "prescribed" means prescribed by the Local Government Board:

The expression "Local Government Board" means the Local Government Board established by the Local Government Board Act, 1871 (34 & 35 Vict. c. 70):

The expression "central authority" means as regards England the Local Government Board, as regards Ireland the Local Government Board for Ireland, and as regards Scotland the Secretary for Scotland:

The expression "sanitary authority" means any local authority entrusted with the execution of the Public Health Act:

The expression "the Public Health Act" means as regards England the Public Health Act, 1875 (38 & 39 Vict. c. 55), or in the case of London the Public Health (London) Act, 1891 (54 & 55 Vict. c. 76); and as regards Scotland the Public Health (Scotland) Act, 1897 (60 & 61 Vict. c. 38); and as regards Ireland the Public Health (Ireland) Act, 1878 (41 & 42 Vict. c. 52), and includes any enactment amending those Acts.

(2) Nothing in this Act shall be construed as exempting any work from any of the provisions of this Act applicable to the work as being a work of a certain class or description by reason only that the work is subject to other provisions of this Act as being a work of some other class or description.

28.—APPLICATION TO SCOTLAND.—In the application of this Act to Scotland—

(*a*) references to the Secretary for Scotland shall be substituted for references to the Local Government Board, and references to the *Edinburgh Gazette* shall be substituted for references to the *London Gazette;*

(*b*) All offences under this Act shall be prosecuted and all fines under this Act shall be recovered under the provisions of the Summary Jurisdiction (Scotland) Acts: Provided that the following regulations shall have effect with

respect to the prosecution of, and the recovery of fines for, offences under this Act, other than offences against special rules and offences under subsection four of section twelve of this Act:—

(i) All prosecutions shall be brought before the sheriff, who may award expenses to either party, and, in default of immediate payment of the fine and expenses, may sentence the respondent to imprisonment for any period not exceeding six months;

(ii) A prosecution shall not be instituted without the consent of the Secretary for Scotland, nor by any person other than the chief inspector or such other inspector as the Secretary for Scotland may in any particular case direct, nor, except as respects a fine for the contravention of the provisions of this Act as to the registration of works, after the expiration of three months from the commission of the offence;

(iii) The person taking proceedings shall be presumed to be an inspector authorised under this Act to institute the prosecution until the contrary is proved by the respondent;

(iv) The sheriff may, on the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such remuneration as he thinks just, and the amount so awarded shall be deemed to be expenses in the proceeding;

(v) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriff;

(*c*) all fines imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the King's and Lord Treasurer's Remembrancer on behalf of His Majesty's Exchequer, and shall be carried to the Consolidated Fund.

29.—Saving as to General Law.—Nothing in this Act shall legalise any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive any person of any remedy by action, indictment, or otherwise, to which he would have been entitled if this Act had not passed.

30.—Repeals.—The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Provided that—

(*a*) Nothing in this Act shall affect any certificate, special rule, or notice issued, made, or served before the commencement of this Act in pursuance of any enactment so repealed, but every such certificate, special rule, and notice shall continue in force as if issued, made, or served in pursuance of this Act; and

(*b*) Nothing in this Act shall affect the tenure of office of any inspector appointed under any enactment so repealed, but every such inspector shall hold office as if appointed under this Act; and

(*c*) Nothing in this Act shall affect any liability of a sanitary authority incurred under any enactment so repealed to pay any proportion of the salary or remuneration of an additional inspector.

31.—Short Title and Commencement.—This Act may be cited as the Alkali, &c., Works Regulation Act, 1906, and shall come into operation on the first day of January nineteen hundred and seven.

SCHEDULES.

FIRST SCHEDULE.

List of Works (ss. 6, 7).

(1) Sulphuric acid works, that is to say, works in which the manufacture of sulphuric acid is carried on by the lead chamber process, namely, the process by which sulphurous acid is converted into sulphuric acid by the agency of oxides of nitrogen and by the use of a lead chamber.

(2) Sulphuric acid (Class II.) works, that is to say, works in which the manufacture of sulphuric acid is carried on by any process other than the lead chamber process, and works for the concentration or distillation of sulphuric acid.

(3) Chemical manure works, that is to say, works in which the manufacture of chemical manure is carried on, and works in which any mineral phosphate is subjected to treatment involving chemical change through the application or use of any acid.

(4) Gas liquor works, that is to say, works (not being sulphate of ammonia works or muriate of ammonia works) in which sulphuretted hydrogen or any other noxious or offensive gas is evolved by the use of ammoniacal liquor in any manufacturing process, and works in which any such liquor is desulphurised by the application of heat in any process connected with the purification of gas.

(5) Nitric acid works, that is to say, works in which the manufacture of nitric acid is carried on and works in which nitric acid is recovered from oxides of nitrogen.

(6) Sulphate of ammonia works and muriate of ammonia works, that is to say, works in which the manufacture of sulphate of ammonia or of muriate of ammonia is carried on.

(7) Chlorine works, that is to say, works in which chlorine is made or used in any manufacturing process.

(8) Muriatic acid works, that is to say—

(*a*) Muriatic acid works, or works (not being alkali works as defined in this Act) where muriatic acid gas is evolved either during the preparation of liquid muriatic acid or for use in any manufacturing process ;

(*b*) Tin plate flux works, that is to say, works in which any residue or flux from tin plate works is calcined for the utilization of such residue or flux, and in which muriatic acid gas is evolved ; and

(*c*) Salt works, that is to say, works (not being works in which salt is produced by refining rock salt, otherwise than by the dissolution of rock salt at the place of deposit) in which the extraction of salt from brine is carried on, and in which muriatic acid gas is evolved.

(9) Sulphide works, that is to say, works in which sulphuretted hydrogen is evolved by the decomposition of metallic sulphides, or in which sulphuretted hydrogen is used in the production of such sulphides.

(10) Alkali waste works, that is to say, works in which alkali waste or the drainage therefrom is subjected to any chemical process for the recovery of sulphur or for the utilization of any constituent of such waste or drainage.

(11) Venetian red works, that is to say, works for the manufacture of Venetian red, crocus, or polishing powder, by heating sulphate or some other salt of iron.

(12) Lead deposit works, that is to say, works in which the sulphate of lead deposit from sulphuric acid chambers is dried or smelted.

(13) Arsenic works, that is to say, works for the preparation of arsenious acid, or where nitric acid or a nitrate is used in the manufacture of arsenic acid or an arseniate.

(14) Nitrate and chloride of iron works, that is to say, works in which nitric acid or a nitrate is used in the manufacture of nitrate or chloride of iron.

(15) Bisulphide of carbon works, that is to say, works for the manufacture of bisulphide of carbon.

(16) Sulphocyanide works, that is to say, works in which the manufacture of any sulphocyanide is carried on by the reaction of bisulphide of carbon upon ammonia or any of its compounds.

(17) Picric acid works, that is to say, works in which nitric acid or a nitrate is used in the manufacture of picric acid.

(18) Paraffin oil works, that is to say, works in which crude shale oil is refined.

(19) Bisulphite works, that is to say, works in which sulphurous acid is used in the manufacture of acid sulphites of the alkalis or alkaline earths.

(20) Tar works, that is to say, works where gas tar or coal tar is distilled or is heated in any manufacturing process.

(21) Zinc works, that is to say, works in which, by the application of heat, zinc is extracted from the ore, or from any residue containing that metal.

SECOND SCHEDULE.

REPEALS (S. 30).

Session and Chapter.	Short Title.	Extent of Repeal.
44 & 45 Vict. c. 37.	The Alkali, &c. Works Regulation Act, 1881.	The whole Act.
47 & 48 Vict. c. clvii.	The Local Government Board's Provisional Order Confirmation (Salt Works) Act, 1884.	The whole Act.
55 & 56 Vict. c. 30.	The Alkali, &c. Works Regulation Act, 1892.	The whole Act.

CHAPTER XV.

EXTRADITION ACT, 1906 (S. 2).

An Act to include Bribery amongst Extradition Crimes. [*4th August* 1906.]

WHEREAS a Convention has been concluded between His Majesty and the President of the United States for including in the list of crimes on account of which extradition may be granted certain offences, and amongst others bribery:

And whereas it is provided by the said Convention that it shall come into force within ten days after publication in conformity with the laws of the high contracting parties:

And whereas bribery is not at present included in the list of crimes in the First Schedule to the Extradition Act, 1870 (33 & 34 Vict. c. 52), and the said Convention cannot be published in conformity with the laws of the United Kingdom until bribery is so included:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—ADDITION OF BRIBERY TO LIST OF EXTRADITION CRIMES.—The Extradition Act, 1870, shall be construed as if bribery were included in the list of crimes in the First Schedule to that Act.

2.—SHORT TITLE.—This Act may be cited as the Extradition Act, 1906; and the Extradition Acts, 1870 to 1895, and this Act may be cited together as the Extradition Acts, 1870 to 1906.

CHAPTER XVI.

JUSTICES OF THE PEACE ACT, 1906 (S. 7).

An Act to amend the Law relating to Justices of the Peace. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—ABOLITION OF PROPERTY QUALIFICATION FOR COUNTY JUSTICES.—The qualification by estate required in the case of a justice of the peace for any county shall be abolished.

2. RESIDENTIAL QUALIFICATION.—A person, if in other respects the law allows of it, may be appointed a justice of the peace for any county, notwithstanding that he does not reside in the county, if he resides within seven miles thereof.

3.—PROVISION AS TO THE APPOINTMENT OF SOLICITORS TO BE JUSTICES.—A solicitor, if otherwise qualified, may be appointed a justice of the peace for any county, but it shall not be lawful for any solicitor being a justice, or any partner of his, to practise directly or indirectly before the justices for that county or any borough within the county.

4.—POWER WITH RESPECT TO EX-OFFICIO JUSTICES.—Any person who is a justice of the peace by virtue only of holding or having held any office may be excluded from the exercise of his functions as such justice by the same authority by which other justices can be removed from the commission of the peace.

5.—INTERPRETATION AND REPEAL.—(1) In this Act the expression "county" includes any riding or division of a county.

(2) The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

6.—EXTENT OF ACT.—(1) This Act shall extend to Scotland with the following modifications:—

(*a*) Section two shall not apply to Scotland.

(*b*) The expression "solicitor" means enrolled law agent under the Law Agents (Scotland) Act, 1873 (36 & 37 Vict. c. 63).

(*c*) The expression "county" shall include a county of a city.

(*d*) For the words "or any borough" occurring in section three there shall be substituted the words "or before any licensing court, or court of appeal, constituted in terms of the Licensing (Scotland) Act, 1903" (3 Edw. 7, c. 25).

(2) This Act shall not extend to Ireland.

7.—SHORT TITLE.—This Act may be cited as the Justices of the Peace Act, 1906.

SCHEDULE.

ENACTMENTS REPEALED (S. 5).

Session and Chapter.	Short Title.	Extent of Repeal.
5 Geo. 2. c. 18.	The Justices Qualification Act, 1731.	The whole Act.
18 Geo. 2. c. 20.	The Justices Qualification Act, 1744.	The whole Act.
6 Geo 4. c. 48.	The Justices of the Peace Small Debt (Scotland) Act, 1825.	Section twenty-seven.
10 Geo. 4. c. 44.	The Metropolitan Police Act, 1829.	In section one the words "although he may not have any such qualification by estate as is required by law in the case of any other person being a justice of the peace for any county."
26 & 27 Vict. c. 97.	The Stipendiary Magistrates Act, 1863.	In section five the words, "although he may not have such qualification by estate as is required by law in the case of other persons being justices of the peace for a county."
34 & 35 Vict. c. 18.	The Justices Qualification Act, 1871.	The whole Act.
38 & 39 Vict. c. 54.	The Justices Qualification Act, 1875.	The whole Act.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In subsection (2) of section one hundred and fifty-seven the words, "except the oath as to qualification by estate," and in subsection (4) of that section the words, "or have such qualification by estate as is required for a justice of a county."
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In subsection (5) (*b*) of section two the words "other than the oath respecting the qualification by estate."
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	In section seventeen the words, "although he may not be qualified in such manner as is required by law in the case of other persons being justices of the peace."
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section twenty-two the words, "other than the oath respecting the qualification by estate."
62 & 63 Vict. c. 14.	The London Government Act, 1899.	Paragraph (2) of section twenty-four.

CHAPTER XVII.

Bills of Exchange (Crossed Cheques) Act, 1906 (s. 2).

An Act to amend section eighty-two of the Bills of Exchange Act, 1882.
[*4th August* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Amendment of 45 & 46 Vict. c. 61, s. 82.—A banker receives payment of a crossed cheque for a customer within the meaning of section eighty-two of the Bills of Exchange Act, 1882, notwithstanding that he credits his customer's account with the amount of the cheque before receiving payment thereof.

2.—Short Title.—This Act may be cited as the Bills of Exchange (Crossed Cheques) Act, 1906, and this Act and the Bills of Exchange Act, 1882, may be cited together as the Bills of Exchange Acts, 1882 and 1906.

CHAPTER XVIII.

An Act to amend the Law with respect to Customs Duties in the Isle of Man.
[*4th August* 1906.]

CHAPTER XIX.

An Act to make further provision with respect to the Revenues of the Deanery of Manchester.
[*4th August* 1906.]

CHAPTER XX.

REVENUE ACT, 1906 (s. 13).

[6 Edw. 7. Ch. 20.]

ARRANGEMENT OF SECTIONS.

Part I.—Spirits.

Section.
1. Provisions as to spirits used in art, manufacture, &c.
2. Supplemental amendments of the Spirits Act.
3. Provision as to exportation of tinctures.
4. Interpretation.

Part II.—Customs and Excise.

5. Proceedings in case of offences in relation to saccharin.
6. Power to grant licences removing restriction on importation of tobacco in ships under 120 tons.
7. Regulation as to manufacture of British wines.
8. Amendment of 2 Edw. 7, c. 7, s. 5.

Part III.—Miscellaneous.

9. Stamp duty on awards.
10. Treasury bills.
11. Extension of provisions of 4 Edw. 7, c. 7, s. 9, as to relief from income tax on premiums on insurances.
12. Repeal of 19 & 20 Vict. c. 56, s. 43.
13. Commencement and short title.

CHAPTER XX.

REVENUE ACT, 1906.

An Act to amend the Law relating to Customs and Inland Revenue, and for other purposes connected with Finance. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—SPIRITS.

1.—PROVISIONS AS TO SPIRITS USED IN ART, MANUFACTURE, &C.—(1) Where any spirits are used by an authorised methylator for making industrial methylated spirits, or are received by any person for use in any art or manufacture under section eight of the Finance Act, 1902 (2 Edw. 7, c. 7), the like allowance shall be paid to the authorised methylator or to the person by whom the spirits are received, as the case may be, in respect of those spirits as is payable on the exportation of plain British spirits, and the Commissioners may by regulations prescribe the time and manner of the payment of the allowance and the proof to be given that the spirits have been or are to be used as aforesaid.

(2) No allowance shall be payable under this section on methylic alcohol, but foreign methylic alcohol may be received and used under section eight of the Finance Act, 1902, without payment of the difference of duty mentioned in that section.

(3) One-nineteenth shall, as respects methylated spirits other than mineralized methylated spirits, be substituted for one-ninth as the minimum proportion of the substance or combination of substances to be mixed with spirits under subsection (3) of section one hundred and twenty-three of the Spirits Act, 1880 (43 & 44 Vict. c. 24).

(4) Notwithstanding anything in subsection (2) of section eight of the Finance Act, 1902, an applicant under that section shall not be required to pay any expenses incurred in placing an officer in charge of his premises, except such expenses as, in the opinion of the Commissioners, are incurred for special attendances of the officer, made to meet the convenience of the applicant.

(5) Such quantity as the Commissioners may authorise by regulations in each case shall be substituted for fifty gallons in subsection (*c*) of section one hundred and twenty-six of the Spirits Act, 1880, as the maximum quantity of methylated spirits that may be received or be in the possession of a retailer at any one time; and for one gallon in subsections (*e*) and (*f*) of that section as the maximum quantity of methylated spirit which a retailer may receive from another retailer at a time, and as the maximum quantity which a retailer may sell to or for the use of any one person at a time respectively.

2.—SUPPLEMENTAL AMENDMENTS OF THE SPIRITS ACT.—(1) Section one hundred and twenty-one of the Spirits Act, 1880 (which forbids the supply of methylated spirits except to the persons mentioned in the section), shall be construed as if, as regards the supply of industrial methylated spirits, a retailer of methylated spirits was not a person excepted under that section.

(2) A retailer of methylated spirits shall not receive or have in his possession any methylated spirits except such as may be authorised by regulations, and if any such retailer contravenes this provision, he shall, for each offence, incur a fine of fifty pounds, and the spirits in respect of which the offence is committed shall be forfeited.

(3) Every vessel in which an authorised methylator stores, keeps, or supplies industrial methylated spirits, or mineralized methylated spirits, must be labelled in such a manner as to show that the methylated spirits are industrial or mineralized as the case may be, and if an authorised methylator fails to comply with this provision, he shall, for each offence, incur a fine of fifty pounds, and the spirits with respect to which the offence is committed shall be forfeited.

(4) In addition to the account required to be kept by the proper officer under subsection (1) of section one hundred and twenty-five of the Spirits Act, 1880, an authorised methylator shall keep distinct accounts in the prescribed forms of any industrial methylated spirits and of any mineralized methylated spirits prepared or

received by him and of the sale, use, and delivery thereof, and that section shall apply with reference to each of those accounts and the spirits to which the account relates as it applies with reference to the stock account therein mentioned and to methylated spirits generally.

(5) Section one hundred and thirty of the Spirits Act, 1880, shall apply as if it were an offence under that section without the consent in writing of the Commissioners, or otherwise than in accordance with regulations, to purify or attempt to purify methylated spirits or methylic alcohol, or, after methylated spirits or methylic alcohol have once been used, to recover or attempt to recover the spirit or alcohol by distillation or condensation, or in any other manner.

(6) Subsection (2) of section one hundred and thirty of the Spirits Act, 1880, shall apply as respects any article specified in an order of the Commissioners as it applies with respect to sulphuric ether or chloroform.

3.—Provision as to Exportation of Tinctures.—(1) The Commissioners may permit the exportation on drawback of tinctures or of spirits of wine, subject to regulations, direct from the premises of a person licensed to rectify or compound spirits, and the like drawbacks and allowances shall be payable in respect of tinctures or spirits of wine so exported as would be payable if the tinctures or spirits of wine were exported from an excise or customs warehouse.

(2) In ascertaining the amount of drawback on any tinctures so exported, the Commissioners may make such addition as they think just in respect of waste.

(3) If any person fails to comply with any regulation made under this section, he shall, in addition to any other liability, incur in respect of each offence a fine of fifty pounds and the article in respect of which the offence is committed shall be forfeited.

(4) This section shall apply as respects the shipment of tinctures as stores as it applies with respect to the exportation of tinctures.

4.—Interpretation.—(1) In this Part of this Act—

The expression "industrial methylated spirits" means any methylated spirits (other than mineralized methylated spirits) which are intended for use in any art or manufacture within the United Kingdom; and

The expression "mineralized methylated spirits" means methylated spirits which, in addition to being methylated as provided by subsection (3) of section one hundred and twenty-three of the Spirits Act, 1880, as amended by this or any other Act, have mixed with or dissolved in them such quantity of such kind of mineral naphtha as may for the time being be prescribed by regulations of the Commissioners; and

The expression "tinctures" includes medicinal spirits, flavouring essences, perfumed spirits, and any other articles containing spirits and specified in regulations of the Commissioners; and

The expression "regulations" means regulations made under section one hundred and fifty-nine of the Spirits Act, 1880.

(2) This Part of this Act shall be construed with the Spirits Act, 1880.

Part II.—Customs and Excise.

5.—Proceedings in Case of Offences in Relation to Saccharin.—Section two hundred and thirty-three of the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), (which relates to the power of justices to proceed summarily in the case of certain offences against the Customs Acts and the limitations on that power), shall, as amended or affected by any other Act, apply to saccharin as it applies to spirits, with the substitution of pounds weight for gallons.

6.—Power to grant Licences removing Restriction on Importation of Tobacco in Ships under 120 Tons.—The Commissioners of Customs may grant a licence in respect of any ship of less than one hundred and twenty tons burden, relaxing as respects that ship the provisions of section forty-two of the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), which forbid the importation and bringing into the United Kingdom of tobacco, cigars, cigarillos, or cigarettes, and snuff in such a ship, and may attach to the licence such conditions as they think fit to impose, and the prohibition shall not extend in respect of any ship so licensed so

long as the licence continues, and so long as the conditions (if any) attached to the licence are complied with.

7.—REGULATION AS TO MANUFACTURE OF BRITISH WINES.—(1) There shall, as from the sixth day of July nineteen hundred and six, be charged, levied, and paid the following duty of Excise:—

	£	s.	d.
On a licence to be taken out annually by a manufacturer for sale of British wines or sweets or made wines authorising manufacture only	1	0	0

(2) The Commissioners of Inland Revenue may make regulations prohibiting the manufacture for sale of British wines, or sweets, or made wines, except by persons holding a licence and having made entry for the purpose, and for fixing the date of the expiration of the licence, and may by those regulations apply any enactments relating to brewers of beer to manufacturers for sale of British wines, or sweets, or made wines; and if any person acts in contravention of or fails to comply with any of those regulations, the article in respect of which the offence is committed shall be forfeited, and the person committing the offence shall be liable in respect of each offence to an excise penalty of fifty pounds.

8.—AMENDMENT OF 2 EDW. 7, C. 7, S. 5.—The word "by" shall be substituted for the word "without" in subsection (2) of section five of the Finance Act, 1902 (which relates to the allowance on spirits).

PART III.—MISCELLANEOUS.

9.—STAMP DUTY ON AWARDS.—A uniform duty of ten shillings shall be substituted for the duties chargeable under the Stamp Act, 1891 (54 & 55 Vict. c. 39), on an AWARD in England or Ireland, and on an AWARD or DECREET ARBITRAL in Scotland, and specified under that heading in the First Schedule to that Act.

10.—TREASURY BILLS.—(1) The period during which the power of the Treasury, under section six of the Treasury Bills Act, 1877 (40 & 41 Vict. c. 2), to raise money by the issue of Treasury Bills for the purpose of paying off any such bills, may be exercised, shall be extended so as to include not only the financial year in which the bills are or are about to be paid off, but also a period of three months after the expiration of that financial year.

(2) The amount payable to the Bank of England under section three of the Bank Act, 1892 (55 & 56 Vict. c. 48), for the management in every financial year of Treasury bills shall be calculated at the rate of two hundred pounds for every million pounds of the maximum amount of bills outstanding at any one time during the financial year.

11.—EXTENSION OF PROVISIONS OF 4 EDW. 7, C. 7, S. 9, AS TO RELIEF FROM INCOME TAX ON PREMIUMS ON INSURANCES.—The provisions of section nine of the Finance Act, 1904, shall apply in relation to life insurances or contracts for deferred annuities effected in or with any insurance company lawfully carrying on business in Great Britain or Ireland, and accordingly such section shall be read and construed as though the words "or lawfully carrying on business in Great Britain or Ireland" were inserted therein after the words "British possession."

12.—REPEAL OF 19 & 20 VICT. C. 56, S. 43.—Section forty-three of the Exchequer Court (Scotland) Act, 1856 (which precludes a defendant, and the husband or wife of a defendant, in any cause instituted under that Act relating to the Customs or Inland Revenue from giving evidence), is hereby repealed.

13.—COMMENCEMENT AND SHORT TITLE.—(1) This Act shall come into operation, save as otherwise expressly provided, on the first day of October nineteen hundred and six.

(2) This Act may be cited as the Revenue Act, 1906.

CHAPTER XXI.

GROUND GAME (AMENDMENT) ACT, 1906 (S. 1).

An Act to amend the Ground Game Act, 1880. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and con-

sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—SHORT TITLE AND INTERPRETATION.—This Act may be cited as the Ground Game (Amendment) Act, 1906; and the expressions "occupier" and "ground game" as used in this Act shall have the same meaning as they have in the Ground Game Act, 1880 (43 & 44 Vict. c. 47).

2.—EXTENSION OF RIGHT OF OCCUPIERS OF MOORLANDS, &C., TO KILL GROUND GAME.—Notwithstanding anything in section one, subsection (3), of the Ground Game Act, 1880, contained, the occupier of lands to which that subsection applies shall, without prejudice to his existing rights under that Act, be entitled, between the first day of September and the tenth day of December, both inclusive, in any and every year, to exercise the right of killing and taking ground game by the said Act conferred otherwise than by the use of firearms.

3.—AGREEMENTS BETWEEN OCCUPIERS AND OWNERS OF MOORLANDS, &C.—Section three of the Ground Game Act, 1880, shall not apply to prevent the occupier of lands to which section one, subsection (3), of that Act applies, and the owner of such lands or other persons having a right to take and kill game thereon from making and enforcing agreements for the joint exercise, or the exercise for their joint benefit, of the right to kill and take ground game between the first day of September and the tenth day of December, both inclusive, in any or every year.

4.—COMMENCEMENT OF ACT.—This Act shall come into operation on the first day of April nineteen hundred and seven.

CHAPTER XXII.

POST OFFICE (LITERATURE FOR THE BLIND) ACT, 1906 (S. 2).

An Act to facilitate the Transmission by Post of Books and Papers impressed for the use of the Blind. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—SPECIAL POSTAGE RATES FOR BOOKS AND PAPERS FOR THE BLIND.—A warrant of the Treasury under the Post Office Acts, 1837 to 1906, for fixing rates of postage to be charged by or under the authority of the Postmaster-General, may fix special rates for postal packets consisting of books and papers impressed for the use of the blind, and may specify any special conditions and regulations in respect of the transmission by post of such packets.

2.—SHORT TITLE.—This Act may be cited as the Post Office (Literature for the Blind) Act, 1906, and may be cited with the Post Office Acts, 1837 to 1906.

CHAPTER XXIII.

An Act to amend the Acts relating to Charitable Loan Societies in Ireland. [*4th August* 1906.]

CHAPTER XXIV.

An Act to amend the Solicitors Acts. [*4th August* 1906.]

CHAPTER XXV.

An Act to consolidate Enactments relating to Open Spaces. [*4th August* 1906.]

CHAPTER XXVI.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and seven, and to appropriate the Supplies granted in this Session of Parliament. [*4th August* 1906.]

CHAPTER XXVII.

FERTILISERS AND FEEDING STUFFS ACT, 1906 (s. 14).

[6 EDW. 7. CH. 27.]

ARRANGEMENT OF SECTIONS.

Section.
1. Warranties as to fertilisers and feeding stuffs.
2. Power to appoint analyst and samplers.
3. Power to have fertiliser or feeding stuff analysed.
4. Power of Board of Agriculture and Fisheries to make regulations.
5. Provisions as to county and county borough councils.
6. Penalties for breach of duty by seller.
7. Penalties for tampering.
8. Penalty for obstructing official sampler.
9. Institution of prosecutions and appeals.
10. Construction and application.
11. Application to Scotland.
12. Application to Ireland.
13. Repeal.
14. Short title and commencement.

CHAPTER XXVII.

FERTILISERS AND FEEDING STUFFS ACT, 1906.

An Act to amend the law with respect to the sale of Agricultural Fertilisers and Feeding Stuffs. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—WARRANTIES AS TO FERTILISERS AND FEEDING STUFFS.—(1) Every person who sells for use as a fertiliser of the soil any article which has been subjected to any artificial process in the United Kingdom, or which has been imported from abroad, shall give to the purchaser an invoice stating the name of the article and what are the respective percentages (if any) of nitrogen, soluble phosphates, insoluble phosphates, and potash contained in the article, and the invoice shall have effect as a warranty by the seller that the actual percentages do not differ from those stated in the invoice beyond the prescribed limits of error.

(2) Every person who sells for use as food for cattle or poultry any article which has been artificially prepared shall give to the purchaser an invoice stating the name of the article, and whether it has been prepared from one substance or seed or from more than one substance or seed, and in the case of any article artificially prepared otherwise than by being mixed broken ground or chopped, what are the respective percentages (if any) of oil and albuminoids contained in the article, and the invoice shall have effect as a warranty by the seller as to the facts so stated, except that as respects percentages the invoice shall have effect as a warranty only that the actual percentages do not differ from those stated in the invoice beyond the prescribed limits of error.

(3) Where any article sold for use as food for cattle or poultry is sold under a name or description implying that it is prepared from any particular substance or from any two or more particular substances, or is the product of any particular seed or of any two or more particular seeds, and without indication that it is mixed or compounded with any other substance or seed, there shall be implied a warranty by the seller that it is pure, that is to say, is prepared from that substance or those substances only, or is a product of that seed or those seeds only.

(4) On the sale of any article for use as food for cattle or poultry, there shall be implied a warranty by the seller that the article is suitable to be used as such.

(5) Any statement by the seller of the percentages of the chemical and other ingredients contained in any article sold for use as a fertiliser of the soil, or of the

nutritive and other ingredients contained in any article sold for use as food for cattle or poultry, made after the commencement of this Act in an invoice of such article, or in any circular or advertisement descriptive of such article, shall have effect as a warranty by the seller.

(6) Where an article sold for use as a fertiliser of the soil or as food for cattle or poultry consists of two or more ingredients which have been mixed at the request of the purchaser, it shall be a sufficient compliance with the provisions of this section with respect to percentages if the invoice contains a statement of percentages with respect to the several ingredients before mixture, and a statement that they have been mixed at the request of the purchaser.

2.—Power to appoint Analyst and Samplers.—(1) The Board of Agriculture and Fisheries shall appoint a chief agricultural analyst (hereinafter referred to as the chief analyst), who shall have such remuneration out of moneys provided by Parliament as the Treasury may assign. The chief analyst shall not while holding his office engage in private practice.

(2) Every county council shall, and the council of any county borough may, appoint an official agricultural analyst (hereinafter referred to as an agricultural analyst) and one or more official samplers for their county or borough.

(3) The council of any county or county borough may also appoint a deputy agricultural analyst, who shall, in case of illness, incapacity, or absence of the agricultural analyst, have all the powers and duties of the agricultural analyst, and where the deputy acts this Act shall apply as if he were the agricultural analyst.

(4) The appointment of an agricultural analyst, deputy agricultural analyst, or official sampler shall be subject to the approval of the Board of Agriculture and Fisheries.

(5) A person whilst holding the office of agricultural analyst shall not engage or be interested in any trade, manufacture, or business connected with the sale or importation of articles used for fertilising the soil or as food for cattle or poultry.

3.—Power to have Fertiliser or Feeding Stuff analysed.—(1) Every purchaser of any article used for fertilising the soil or as food for cattle or poultry who has taken a sample thereof within ten days after delivery of the article to him or receipt of the invoice by him, whichever is later, shall, on payment of the required fee, be entitled to have the sample analysed by the agricultural analyst.

(2) An official sampler shall at the request of the purchaser and on payment by him of the required fee, and may without any such request, take a sample for analysis by the agricultural analyst of any such article as aforesaid which has been sold or is exposed or kept for sale, but, in the case of an article which has been sold, the sample shall be taken before the expiration of ten days after the delivery of the article to the purchaser, or the receipt of the invoice by the purchaser, whichever is later.

(3) Where a sample has been taken with a view to the institution of any civil or criminal proceeding, the person taking the sample shall divide the sample into three parts, and shall cause each part to be marked, sealed, and fastened up, and shall deliver or send by post two parts to the agricultural analyst and one part to the seller.

(4) An agricultural analyst to whom a sample is submitted for analysis under this section—

(*a*) if the sample has not been divided into parts and the parts marked, sealed, and fastened up as herein-before mentioned, shall send a copy of the certificate of his analysis to the person who submitted the sample for analysis; and

(*b*) if the sample has been so divided into parts, shall analyse one of the parts of the sample delivered or sent to him and retain the other, and shall send a certificate of his analysis in the prescribed form and containing the prescribed particulars to the person who submitted the sample for analysis, and where that person is not the purchaser of the article also to the purchaser, and in every case to the seller and to such other persons (if any) as may be prescribed, and shall report to the Board of Agriculture and Fisheries in the prescribed manner the result of any such analysis: Provided that if the agricultural analyst does not know the name and address of the seller he

shall send the certificate intended for the seller to the purchaser, to be by him forwarded to the seller.

(5) At the hearing of any civil or criminal proceeding with respect to any article a sample whereof has been analysed in pursuance of this section, the production of a certificate of the agricultural analyst, or, if a sample has been submitted to the chief analyst, then of the chief analyst, shall be sufficient evidence of the facts therein stated unless the defendant or person charged requires that the analyst or the person who made the analysis be called as a witness: Provided that this subsection shall not apply—

(*a*) where the sample has been taken otherwise than in the prescribed manner; or

(*b*) where the sample has not been divided into parts and the parts marked, sealed, and fastened up as herein-before mentioned.

(6) If in any such legal proceeding (other than a proceeding which cannot be instituted until an analysis has been made and a certificate given by the chief analyst) either party to the proceeding objects to the certificate of the agricultural analyst, the party objecting shall, on payment of such fee as may be fixed by the Treasury, be entitled to have submitted to the chief analyst the part of the sample retained by the agricultural analyst, and to have that part analysed by the chief analyst and to receive from him a certificate of the result of his analysis.

(7) Where a sample is, under this section, sent for analysis to the chief analyst or to an agricultural analyst, there shall be sent with the sample the invoice (if any) relating to the article from which the sample was taken, or a copy of the invoice or of any prescribed part thereof.

4.—POWER OF BOARD OF AGRICULTURE AND FISHERIES TO MAKE REGULATIONS.—(1) The Board of Agriculture and Fisheries may make regulations—

(*a*) with respect to any matter which under this Act is to be prescribed;

(*b*) as to the qualifications to be possessed by agricultural analysts deputy agricultural analysts, and official samplers;

(*c*) as to the manner in which analyses are to be made;

(*d*) as to the manner in which samples are to be taken and dealt with; and

(*e*) generally for the purpose of carrying this Act into execution:

Provided that nothing in this section or in any regulations made thereunder, shall affect the right of the purchaser of an article used for fertilising the soil, or as food for cattle or poultry, to have analysed by the agricultural analyst a sample of an article taken by him or at his request otherwise than in accordance with the regulations.

(2) All regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

5.—PROVISIONS AS TO COUNTY AND COUNTY BOROUGH COUNCILS.—(1) The council of a county or county borough may concur with one or more other such councils in making any appointment which they are authorised to make under this Act, and as to the apportionment in the case of such a joint appointment of the expenses amongst the several councils.

(2) The council of any county or county borough may contribute towards any expenses incurred by any agricultural body or association in causing samples to be taken for analysis by the agricultural analyst.

(3) The council of any county or county borough may fix the fees payable in respect of the making of any analysis and the taking of any sample at the request of a purchaser.

(4) The expenses of the council incurred in the execution of this Act shall be defrayed, in the case of a county council as part of their general expenses, and in the case of a county borough council out of the borough fund or borough rate.

6.—PENALTIES FOR BREACH OF DUTY BY SELLER.—(1) If any person who sells any article for use as a fertiliser of the soil or as food for cattle or poultry commits any of the following offences, namely:—

(*a*) Fails without reasonable excuse to give, on or before or as soon as possible after the delivery of the article, the invoice required by this Act; or

(*b*) Causes or permits any invoice or description of the article sold by him to be false in any material particular to the prejudice of the purchaser; or

(*c*) Sells for use as food for cattle or poultry any article which contains any

ingredient deleterious to cattle or poultry, or to which has been added any ingredient worthless for feeding purposes and not disclosed at the time of the sale ;

he shall, without prejudice to any civil liability, be liable, on summary conviction, for a first offence to a fine not exceeding twenty pounds, and for any subsequent offence to a fine not exceeding fifty pounds :

Provided that a person shall not be convicted of an offence under paragraph (*b*) of this subsection if he proves either

(i) that he did not know, and could not with reasonable care have ascertained, that the invoice or description was false ; or

(ii) that he purchased the article sold with a written warranty or invoice from a person in the United Kingdom, and that that warranty or invoice contained the false statement in question, and that he had no reason to believe at the time when he sold the article that the statement was false, and that he sold the article in the state in which it was when he purchased it.

(2) In any proceeding for an offence under this section it shall be no defence to allege that the purchaser, having bought only for analysis, was not prejudiced by the sale.

(3) A prosecution for an offence under this section shall not be instituted except with the consent of the Board of Agriculture and Fisheries, and the Board shall not give such consent until the part of the sample retained by the agricultural analyst has been analysed, and a certificate of analysis given, by the chief analyst.

(4) In any prosecution under this section the summons shall state particulars of the offences alleged, and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the day on which it is served, and there must be served therewith a copy of any analyst's certificate obtained on behalf of the prosecutor.

7.—Penalties for Tampering.—If any person fraudulently—

(*a*) tampers with any article so as to procure that any sample of it taken under this Act does not correctly represent the article ; or

(*b*) tampers with any sample taken under this Act ;

he shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding six months.

8.—Penalty for obstructing Official Sampler.—If—

(*a*) the owner, or the person entrusted for the time being with the charge or custody of any article sold or intended to be sold for use as a fertiliser of the soil or as food for cattle or poultry refuses to allow an official sampler to take a sample of the article for the purpose of analysis ; or

(*b*) the purchaser of any such article refuses to give to an official sampler the invoice of the article or a copy thereof or of any prescribed part thereof ;

he shall be liable on summary conviction to a fine not exceeding ten pounds.

9.—Institution of Prosecutions and Appeals.—(1) Subject to the provisions of this Act as to the consent of the Board of Agriculture and Fisheries, a prosecution for an offence under this Act may be instituted either by the person aggrieved, or by the council of a county or borough, or by any body or association authorised in that behalf by the Board of Agriculture and Fisheries.

(2) A prosecution for an offence of causing or permitting an invoice or description to be false in any material particular shall not be instituted under this Act—

(*a*) after the expiration of three months from the date when the invoice was received by the purchaser ; nor

(*b*) unless a sample for analysis has been taken, and an analysis by the agricultural analyst has been made, and a certificate of analysis has been given, in accordance with regulations made under this Act :

But the proceedings may be taken as well before the court having jurisdiction in the place where the purchaser of the article to which the invoice or description relates resides or carries on business, as before the court having jurisdiction in the place where the invoice or description was given.

(3) Any person aggrieved by a summary conviction under this Act may appeal to a court of quarter sessions.

10.—CONSTRUCTION AND APPLICATION.—(1) For the purposes of this Act the expression "cattle" shall mean bulls, cows, oxen, heifers, calves, sheep, goats, swine, and horses; and the expressions "soluble" and "insoluble" shall respectively mean soluble and insoluble in water, or, if so specified in the invoice, in a solution of citric acid or other solvent of the prescribed strength, and the percentage of soluble phosphates and percentage of insoluble phosphates mean respectively the percentage of tribasic phosphate of lime which has been, and that which has not been, rendered soluble.

(2) This Act shall apply to wholesale as well as retail sales.

11.—APPLICATION TO SCOTLAND.—In the application of this Act to Scotland—

(1) The expression "council of any county borough" shall mean the town council of a burgh, and the duties and powers of councils of counties and county boroughs shall be performed and be exerciseable in a county by the county council, and in a burgh by the town council, and the expenses incurred by a council in the execution of this Act shall be defrayed out of a rate to be levied, fixed, and paid in like manner as the local rate under the Diseases of Animals Act, 1894 (57 & 58 Vict. c. 57):

(2) The expression "burgh" means a burgh which returns or contributes to return a member to Parliament, not being a burgh to which section fourteen of the Local Government (Scotland) Act, 1889 (52 & 53 Vict. c. 50), applies:

(3) Penalties for offences under this Act may be recovered summarily before the sheriff in manner provided by the Summary Jurisdiction Acts, and any person aggrieved by a summary conviction may appeal therefrom in accordance with the provisions of those Acts.

12.—APPLICATION TO IRELAND.—For the purposes of the execution of this Act in Ireland, inclusive of the appointment of a chief agricultural analyst, the Department of Agriculture and Technical Instruction for Ireland shall be substituted for the Board of Agriculture and Fisheries and in section seventeen of the Agriculture and Technical Instruction (Ireland) Act, 1899 (62 & 63 Vict. c. 50), a reference to sections six, seven, and eight of this Act shall be substituted for the reference to section seven of the Fertilisers and Feeding Stuffs Act, 1893 (56 & 57 Vict. c. 56); and for the purpose of instituting prosecutions the said department may take samples of any articles to which this Act applies which have been sold or are kept or exposed for sale.

13.—REPEAL.—The Fertilisers and Feeding Stuffs Act, 1893, is hereby repealed; provided that nothing in this repeal shall affect any regulation or appointment made under that Act, but every such regulation and appointment shall have effect as if made under this Act; and in Ireland an analyst holding office under the said Act both for a county and a non-county borough comprised in that county shall become the agricultural analyst for that county.

14.—SHORT TITLE AND COMMENCEMENT.—This Act may be cited as the Fertilisers and Feeding Stuffs Act, 1906, and shall come into operation on the first day of January nineteen hundred and seven.

CHAPTER XXVIII.

CROWN LANDS ACT, 1906 (s. 11).

[6 EDW. 7. CH. 28.]

ARRANGEMENT OF SECTIONS.

Section.

1. President of Board of Agriculture to be additional Commissioner of Woods.
2. Power to effect transfers of the management of foreshore between Commissioners of Woods and Board of Trade.
3. Power of Board of Trade, &c. to settle disputes as to foreshore.
4. Power of Commissioners of Woods to pay for certain improvements out of capital.
5. Abolition of enrolment of assignments, &c. of Crown leases.
6. Power of Commissioners of Works to convey bridges.
7. Power to transfer management of Richmond and Kew Greens.
8. Apportionment of quit and Crown rents in Ireland.

Section.
9. Limitation of time for proceedings for recovery by Crown of quit and other rents.
10. Payment and application of money.
11. Short title and interpretation.

CHAPTER XXVIII.

Crown Lands Act, 1906.

An Act to amend the Crown Lands Acts, 1829 to 1894. [4*th August* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—President of Board of Agriculture to be additional Commissioner of Woods.—The President of the Board of Agriculture and Fisheries for the time being shall, by virtue of his office, be a Commissioner of Woods under the Crown Lands Act, 1851, in addition to the Commissioners whom His Majesty has power to appoint under that Act, and any reference to those Commissioners in the Crown Lands Acts, 1829 to 1894, and in any other Act, shall be construed accordingly, but nothing in those Acts shall authorise the payment of a salary to the said President in his capacity of Commissioner of Woods, or render the said President incapable of being elected or of sitting or voting as a member of the House of Commons.

2.—Power to effect Transfers of the Management of Foreshore between Commissioners of Woods and Board of Trade.—(1) If it appears to the Treasury on the representation of the Commissioners of Woods and the Board of Trade that the transfer of any foreshore from the management of the Commissioners to that of the Board, or from the management of the Board to that of the Commissioners, would be convenient for the purposes of administration, the Treasury may by order make such a transfer, with or without payment in respect thereof, as they think fit, subject however and without prejudice to the rights and interests (if any) of any other person therein.

(2) Any foreshore transferred to the management of the Commissioners of Woods or the Board of Trade under this section shall be subject to the like provisions and dealt with in the same manner—

(*a*) in the case of foreshore transferred to the management of the Board of Trade, as if it had been transferred under section seven of the Crown Lands Act, 1866 (29 & 30 Vict. c. 62), and compensation had been paid therefor to the land revenue of the Crown; and

(*b*) in the case of foreshore transferred to the management of the Commissioners of Woods, as if it had been excepted from transfer to the management of the Board of Trade under the last-mentioned section.

3.—Power of Board of Trade, &c., to settle Disputes as to Foreshore.—(1) If any claim to any foreshore on the part of the Board of Trade, the Commissioners of Woods, or the Chancellor and Council of the Duchy of Lancaster is disputed by any of those departments, the Board of Trade or the Commissioners of Woods with the consent of the Treasury, and the Chancellor and Council of the Duchy of Lancaster, may enter into an agreement for settling the dispute.

(2) Any such agreement may provide for the payment to or by the Board of Trade or the Commissioners of Woods by or to the Chancellor and Council of the Duchy of Lancaster of any sum of money in satisfaction of any claim which the department to whom the money is paid may have had to the foreshore which is the subject of the agreement.

(3) Any agreement under this section shall be executed on the part of the Chancellor and Council of the Duchy of Lancaster under the hand and seal of the Chancellor, and attested by the clerk of the Council.

4.—Power of Commissioners of Woods to pay for certain Improvements out of Capital.—The power given to the Treasury by section one of the Crown Lands Act, 1866 (being a power to direct the costs of certain improvements to be

charged to capital and repaid out of income), shall have effect as if the rebuilding and enlargement of the office of the Commissioners of Woods, the erection or re erection of buildings, the construction or reconstruction of roads and bridges, and the enlargement or improvement of buildings, roads, and bridges, were improvements within the meaning of that section.

5.—ABOLITION OF ENROLMENT OF ASSIGNMENTS, &C., OF CROWN LEASES.—No assignment of any lease of any part of the possessions and land revenues of the Crown under the management of the Commissioners of Woods, and no instrument affecting the devolution of any such lease, shall, after the passing of this Act, be enrolled in the office of Land Revenue Records and Enrolments, and any covenant contained in any such lease requiring any such assignment or instrument to be so enrolled is hereby annulled.

6.—POWER OF COMMISSIONERS OF WORKS TO CONVEY BRIDGES.—(1) The Commissioners of Works may under and in accordance with the Crown Lands Acts, 1829 to 1894, convey to a bridge authority willing and able to accept such a conveyance any bridge under the management of the Commissioners and any land required for the purpose of widening or improving any bridge, either unconditionally or subject to such conditions and upon such terms as may be agreed upon between the Commissioners and the authority, anything in those Acts to the contrary notwithstanding.

(2) For the purposes of this section the expression "bridge" includes the approaches to and abutments of a bridge, and the expression "bridge authority" means any local authority having the duty of the care and maintenance of bridges.

7.—POWER TO TRANSFER MANAGEMENT OF RICHMOND AND KEW GREENS.—(1) Notwithstanding anything in the Crown Lands Act, 1851, it shall be lawful for the Commissioners of Works and the council of the borough of Richmond to enter into an agreement for the transfer from the Commissioners to the council of the control and management as open spaces of Richmond Green and Kew Green, and on the execution of such an agreement the Open Spaces Acts, 1877 to 1890, shall, subject to any conditions and reservations contained in the deed of transfer, apply as if the control and management of those greens had been transferred to the council under those Acts.

(2) The Board of Agriculture and Fisheries and the said council may in like manner and with like effect enter into an agreement for the transfer to the council of the control and management of the land formerly part of Kew Green which lies between Kew Green and the north-west entrance to the Royal Botanic Gardens, but until such transfer the land shall for all purposes continue to be deemed to be part of those gardens.

8.—APPORTIONMENT OF QUIT AND CROWN RENTS IN IRELAND.—The powers relating to the apportionment and charging of quit rents and other perpetual rents payable to the Crown in respect of land in Ireland conferred on the Commissioners of Woods by section sixty-one of the Irish Land Act, 1903, 3 Edw. 7, c. 37, may, at the request of the owner of any land liable to any such rent, be exercised by the Commissioners, although no part of the land liable to the rent is the subject of proceedings for sale under the Land Purchase Acts as defined by the Irish Land Act, 1903, and the said section shall apply accordingly.

9.—LIMITATION OF TIME FOR PROCEEDINGS FOR RECOVERY BY CROWN OF QUIT AND OTHER RENTS.—No proceedings shall be taken by or on behalf of the Crown for enforcing the payment of any quit rent or any other perpetual rent payable to the Crown in Ireland, or any arrears thereof, but within sixty years from the time when such rent was last received by or on behalf of the Crown, and after the expiration of that period the right of the Crown to the rent and arrears shall be extinguished.

10.—PAYMENT AND APPLICATION OF MONEY.—Any money due from or received by the Board of Trade, the Commissioners of Woods, or the Chancellor and Council of the Duchy of Lancaster under this Act shall be paid or applied as if it had been payable or received for the purchase or sale of lands.

11.—SHORT TITLE AND INTERPRETATION.—This Act may be cited as the Crown Lands Act, 1906, and with the Crown Lands Acts, 1829 to 1894; and for the purposes of this Act the expression "foreshore" has the same meaning as in the Crown Lands Act, 1866.

CHAPTER XXIX.

PUBLIC WORKS LOANS ACT, 1906 (S. 5).

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—GRANTS FOR PUBLIC WORKS.—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely:—

(*a*) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of three million five hundred thousand pounds;

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of seven hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887 (50 & 51 Vict. c. 16).

2.—CERTAIN DEBTS NOT TO BE RECKONED AS ASSETS OF LOCAL LOANS FUND.—Whereas it is expedient that the principal of the several local loans specified in the schedule to this Act should, to the extent specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

3.—ALTERATION OF TERMS OF LOANS TO SOUTH STAFFORDSHIRE MINES DRAINAGE COMMISSIONERS.—The Public Works Loan Commissioners may further extend to the thirty-first day of December one thousand nine hundred and twenty-two the period for the repayment of their loan to the South Staffordshire Mines Drainage Commissioners which, under the provisions of the Public Works Loans Act, 1890 (53 & 54 Vict. c. 50), is repayable within a period expiring on or before the thirty-first day of December one thousand nine hundred and seventeen, and the said Loan Commissioners may suspend for any period not exceeding five years from the thirtieth day of June one thousand nine hundred and six, the payments of principal and interest due and to become due in respect of the loan granted by them to the said Drainage Commissioners for carrying out works in the Tipton district, so however that the total amount of principal and interest payable in respect of that loan shall not be reduced.

4.—TOLLS FOR USE OF PIERS ON THE SHANNON.—Notwithstanding anything in section six of the Shannon Act, 1885, the Commissioners of Public Works in Ireland may, at any time after giving due notice by advertisement in a newspaper circulating in the district and hearing any objections which may be made by local authorities or traders interested, make an order sanctioning the levying of such tolls in respect of the several matters mentioned in the Second Schedule to that Act as the Treasury may approve.

5.—SHORT TITLE.—This Act may be cited as the Public Works Loans Act, 1906.

SCHEDULE.

PART I.

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS (S. 2).

LOAN UNDER THE GENERAL POWERS OF THE COMMISSIONERS.

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Dingwall Harbour Commissioners	1,800 0 0	1,269 2 7

PART II.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

(1) LOANS UNDER THE LANDED PROPERTY IMPROVEMENT (IRELAND) ACT, 1847 (10 Vict. c. 32).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Andrew Murphy	200 0 0	72 2 1
Charles H. Robinson	350 0 0	31 0 0
	250 0 0	24 13 3

(2) LOANS UNDER THE LANDLORD AND TENANT (IRELAND) ACT, 1870 (33 & 34 Vict. c. 46).

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£ s. d.	£ s. d.
Morgan Finucane	3,945 0 0	1,611 7 2
Denis Mulcahy	890 0 0	361 14 7

(3) LOANS UNDER THE LAND LAW (IRELAND) ACT, 1881 (44 & 45 Vict. c. 49, s. 31).

Name of Borrower.	Amount of Loan.	Amount to be written off
	£ s. d.	£ s. d.
Timothy O'Driscoll	100 0 0	88 14 11
Charles Murphy	55 0 0	34 11 2
John McDonald	50 0 0	25 4 1
Michael Flynn	207 0 0	113 19 4
John Frawley	115 0 0	102 16 0

(4) LOANS UNDER THE DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) ACT, 1863 (26 & 27 Vict. c. 88).

Name of Proprietor.	Amount of Principal Charge.	Amount to be written off.
	£ s. d.	£ s. d.
Timothy Lane	324 4 3	236 9 1
Mrs. F. C. D. Cooke	467 0 4	453 14 4

(5) LOAN UNDER THE DRAINAGE MAINTENANCE ACT, 1866 (29 & 30 Vict. c. 49).

Name of Proprietor.	Amount of Principal Charge.	Amount to be written off.
	£ s. d.	£ s. d.
Representatives of Rev. Berry J. Gordon . .	6 10 4	2 6 0

PART III.

LOANS BY THE FISHERY BOARD FOR SCOTLAND.

LOANS UNDER THE CROFTERS' HOLDINGS (SCOTLAND) ACT, 1886 (49 & 50 Vict. c. 29).

Names of Borrowers.	Fishery District.	Amount of Loan.	Amount to be written off.
		£	£ s. d.
William Forbes, John Forbes, and Angus Forbes	Lybster . . .	257	22 4 7
Angus McLeod, Murdo McDonald, Norman Beaton, Angus McRae, Neil McLeod, and Murdo McIver	Stornoway . .	286	6 16 11
James Williamson, David Davidson, and Alexander Cormack	Wick . . .	270	77 15 4
John Sutherland, Andrew Sutherland, James Sutherland, and Alexander Sutherland	Helmsdale . .	312	65 15 3

CHAPTER XXX.

COLONIAL MARRIAGES (DECEASED WIFE'S SISTER) ACT, 1906 (S. 2).

An Act to declare the law with respect to a marriage between a man and his deceased wife's sister domiciled in parts of the British Possessions where such a marriage is legal. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—LEGALISATION OF COLONIAL MARRIAGES WITH DECEASED WIFE'S SISTER.—For removing doubts, it is hereby declared that where a man has, whether before or after the passing of this Act, married his deceased wife's sister, and at the date of the marriage each of the parties was domiciled in a part of the British Possessions in which at that date such a marriage was legal, the marriage if legal in other respects shall be, and shall be deemed always to have been, legal for all purposes, including the right of succession to real property and to honours and dignities, within the United Kingdom, unless either party to the marriage has subsequently, during the life of the other, but before the passing of this Act, lawfully married another:

Provided that nothing in this Act shall affect any right, interest, or estate to or in any property, dignity, or honour the title to which, whether vested or contingent, and whether in possession, reversion, or remainder, accrued before the passing of this Act, and no claim by the Crown for duties leviable on or with reference to death, and before the passing of this Act due and payable, and no payment, commutation, composition, discharge or settlement of account in respect of any duties leviable on or with reference to death before the passing of this Act duly made or given, shall be prejudicially affected hereby.

2.—SHORT TITLE.—This Act may be cited as the Colonial Marriages (Deceased Wife's Sister) Act, 1906.

CHAPTER XXXI.

An Act to amend the Local Government (Ireland) Act, 1898, with respect to Bridges. [*4th August* 1906.]

CHAPTER XXXII.

DOGS ACT, 1906 (S. 11).

[6 EDW. 7. CH. 32.]

ARRANGEMENT OF SECTIONS.

Section.
1. Liability of owner of dog for injury to cattle.
2. Power of Board of Agriculture to make orders about dogs.
3. Seizure of stray dogs.
4. Notice to police of finding of stray dogs.
5. Exemption of sheep dogs, &c. from excise licence.
6. Burying of carcases.
7. Definition of cattle.
8. Application of Act to Scotland.
9. Application of Act to Ireland.
10. Repeal.
11. Short title and commencement.
SCHEDULE.

CHAPTER XXXII.

DOGS ACT, 1906.

An Act to consolidate and amend the Enactments relating to injury to live stock by Dogs, and otherwise to amend the Law relating to Dogs. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—LIABILITY OF OWNER OF DOG FOR INJURY TO CATTLE. (1) The owner of a dog shall be liable in damages for injury done to any cattle by that dog; and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of such previous propensity, or to show that the injury was attributable to neglect on the part of the owner.

(2) Where any such injury has been done by a dog, the occupier of any house or premises where the dog was kept or permitted to live or remain at the time of the injury shall be presumed to be the owner of the dog, and shall be liable for the injury unless he proves that he was not the owner of the dog at that time:

Provided that where there are more occupiers than one in any house or premises let in separate apartments, or lodgings, or otherwise, the occupier of that particular part of the house or premises in which the dog has been kept or permitted to live or remain at the time of the injury shall be presumed to be the owner of the dog.

(3) If the damages claimed under this section do not exceed five pounds they may be recovered under the Summary Jurisdiction Acts as a civil debt.

(4) Where a dog is proved to have injured cattle or chased sheep, it may be dealt with under section two of the Dogs Act, 1871 (34 & 35 Vict. c. 56), as a dangerous dog.

2.—POWER OF BOARD OF AGRICULTURE TO MAKE ORDERS ABOUT DOGS.—(1) The Diseases of Animals Act, 1894 (57 & 58 Vict. c. 57), shall have effect as if, amongst the purposes for which the Board of Agriculture and Fisheries may make orders under section twenty-two of that Act, there were included the following purposes:—

(*a*) for prescribing and regulating the wearing by dogs, while in a highway or in a place of public resort, of a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached thereto:

(*b*) with a view to the prevention of worrying of cattle, for preventing dogs or

any class of dogs from straying during all or any of the hours between sunset and sunrise.

(2) Orders under this section may provide that any dog in respect of which an offence is being committed against the orders, may be seized and treated as a stray dog.

3.—Seizure of Stray Dogs.—(1) Where a police officer has reason to believe that any dog found in a highway or place of public resort is a stray dog, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized wears a collar having inscribed thereon or attached thereto the address of any person, or the owner of the dog is known, the chief officer of police, or any person authorised by him in that behalf, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either—

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or

(*c*) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or, in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police, or any person authorised by him in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

(5) No dog so seized shall be given or sold for the purposes of vivisection.

(6) The chief officer of police of a police area shall keep, or cause to be kept, one or more registers of all dogs seized under this section in that area which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure, and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public on payment of a fee of one shilling.

(7) The police shall not dispose of any dog seized under this section by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned, and such register is open to inspection by the public on payment of a fee not exceeding one shilling.

(8) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.

(9) All expenses incurred by the police under this section shall be defrayed out of the police fund, and any money received by the police under this section shall be paid to the account of the police fund.

(10) In this section the expressions "police area," "chief officer of police," and "police fund" with respect to the City of London mean respectively the said City, the Commissioner of City Police, and the fund or rate applicable to the maintenance of police in the said City, and with respect to any other place have the meanings respectively assigned to them by the Police Act, 1890 (53 & 54 Vict. c. 45).

4.—Notice to Police of Finding of Stray Dogs.—Any person who takes possession of a stray dog shall forthwith either return the dog to its owner or give notice in writing to the chief officer of police of the district where the dog was found containing a description of the dog and stating the place where the dog was found and the place where the dog is being detained, and any person failing to comply with the provisions of this section shall be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding forty shillings.

5.—Exemption of Sheep Dogs, &c. from Excise Licence.—(1) The grant of a certificate under section twenty-two of the Customs and Inland Revenue Act,

1878 (41 & 42 Vict. c. 15), of exemption from duty in respect of a dog shall require the previous consent in England of a petty sessional court, and in Scotland of the sheriff or sheriff-substitute having jurisdiction in the place where the dog is kept, but such consent shall not be withheld if the Court is of opinion that the conditions for exemption mentioned in the said section apply in the case of the applicant, and the procedure for obtaining that consent shall be regulated in England by rules made by the Lord Chancellor, and in Scotland by acts of sederunt.

(2) The rules and acts of sederunt shall provide for dispensing with the appearance of the applicant for a consent under this section except in cases where the application is opposed and the court sheriff or sheriff-substitute considers the appearance of the applicant to be necessary for the proper consideration of the application. No fee shall be payable in respect of any application or consent under this section.

6.—BURYING OF CARCASES.—Any person who shall knowingly and without reasonable excuse permit the carcase of any head of cattle belonging to him to remain unburied in a field or other place to which dogs can gain access shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding forty shillings.

7.—DEFINITION OF CATTLE.—In this Act the expression "cattle" includes horses, mules, asses, sheep, goats, and swine.

8.—APPLICATION OF ACT TO SCOTLAND.—This Act shall apply to Scotland with the following modifications:—

(*a*) The Police (Scotland) Act, 1890 (53 & 54 Vict. c. 67), shall be substituted for the Police Act, 1890 (53 & 54 Vict. c. 45):

(*b*) The expression "police officer" shall mean a constable within the meaning of the Police (Scotland) Act, 1890 (53 & 54 Vict. c. 67):

(*c*) The provisions of subsection three of section one of this Act relating to summary proceedings for civil debts, shall not apply to Scotland:

(*d*) Until the first day of January nineteen hundred and twelve section five shall not apply to any application for the renewal of a certificate of exemption in force at the date of the passing of this Act.

9.—APPLICATION OF ACT TO IRELAND.—This Act shall apply to Ireland with the following modifications:—

(*a*) The Department of Agriculture and Technical Instruction for Ireland shall be substituted for the Board of Agriculture and Fisheries:

(*b*) The expressions "chief officer of police" and "police area" shall mean, in the police district of Dublin metropolis, either of the commissioners of police for the said district, and the said district, and elsewhere the district inspector of the Royal Irish Constabulary, and the district over which he is appointed:

(*c*) The expenses incurred by the police under section three of this Act shall on demand be paid to the chief officer of police out of the money in the hands of the registrar arising from the sale of licences under the Dogs Regulation (Ireland) Act, 1865 (28 & 29 Vict. c. 50), and any money received by the police under the said section shall be paid by the chief officer of police to the registrar, and be applicable as money arising from the sale of licences.

10.—REPEAL.—The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

11.—SHORT TITLE AND COMMENCEMENT.—This Act may be cited as the Dogs Act, 1906, and shall come into operation on the first day of January nineteen hundred and seven.

SCHEDULE.

ENACTMENTS REPEALED (S. 10).

Session and Chapter.	Short Title.	Extent of Repeal
25 & 26 Vict. c. 59.	The Dogs (Ireland) Act, 1862 .	The whole Act.
26 & 27 Vict. c. 100.	The Dogs (Scotland) Act, 1863 .	The whole Act.
28 & 29 Vict. c. 60.	The Dogs Act, 1865 . . .	The whole Act.
30 & 31 Vict. c. 134.	The Metropolitan Streets Act, 1867	Section eighteen to "by reason of such detention."
34 & 35 Vict. c. 56.	The Dogs Act, 1871 . . .	Section one, and section five from "The expression 'police district'" to the end of the section.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892	Section three hundred and ninety.

CHAPTER XXXIII.

An Act to transfer to the Local Government Board the Powers of the Treasury under enactments relating to Local Authorities. [*4th August* 1906.]

CHAPTER XXXIV.

PREVENTION OF CORRUPTION ACT, 1906 (S. 4).

An Act for the better Prevention of Corruption. [*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—PUNISHMENT OF CORRUPT TRANSACTIONS WITH AGENTS.—(1) If any agent corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the passing of this Act done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

If any person corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward for doing or forbearing to do, or for having after the passing of this Act done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business; or

If any person knowingly gives to any agent, or if any agent knowingly uses with intent to deceive his principal, any receipt, account, or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal;

he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine, or on summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

(2) For the purposes of this Act the expression "consideration" includes valuable consideration of any kind; the expression "agent" includes any person employed by or acting for another; and the expression "principal" includes an employer.

(3) A person serving under the Crown or under any corporation or any municipal, borough, county, or district council, or any board of guardians, is an agent within the meaning of this Act.

2.—PROSECUTION OF OFFENCES.—(1) A prosecution for an offence under this Act shall not be instituted without the consent, in England of the Attorney-General or Solicitor-General, and in Ireland of the Attorney-General or Solicitor-General for Ireland.

(2) The Vexatious Indictments Act, 1859 (22 & 23 Vict. c. 17), as amended by any subsequent enactment, shall apply to offences under this Act as if they were included among the offences mentioned in section one of that Act.

(3) Every information for any offence under this Act shall be upon oath.

(4) The expenses of any prosecution on indictment under this Act shall be defrayed as in cases of indictment for felony.

(5) A court of quarter sessions shall not have jurisdiction to inquire of, hear, and determine prosecutions on indictments for offences under this Act.

(6) Any person aggrieved by a summary conviction under this Act may appeal to a court of quarter sessions.

3.—APPLICATION TO SCOTLAND.—This Act shall extend to Scotland, subject to the following modifications:—

(1) Section two shall not extend to Scotland:

(2) In Scotland all offences which are punishable under this Act on summary conviction shall be prosecuted before the sheriff in manner provided by the Summary Jurisdiction (Scotland) Acts.

4.—SHORT TITLE AND COMMENCEMENT.—(1) This Act may be cited as the Prevention of Corruption Act, 1906.

(2) This Act shall come into operation on the first day of January nineteen hundred and seven.

CHAPTER XXXV.

FATAL ACCIDENTS AND SUDDEN DEATHS INQUIRY (SCOTLAND) ACT, 1906 (S. 1).

An Act to amend the Fatal Accidents Inquiry (Scotland) Act, 1895, and to make further provision for Inquiry into Sudden and Suspicious Deaths in Scotland.

[*4th August* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—SHORT TITLE.—This Act may be cited as the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906.

2.—VERDICTS TO BE RETURNED.—Subsection (7) of section four of the Fatal Accidents Inquiry (Scotland) Act, 1895, is hereby repealed, and, in lieu thereof, be it enacted that the jury, after hearing the evidence and the persons, if they so desire, appearing thereon, including any person duly authorised by any trades union or friendly society of which the deceased was a member, and the summing up by the sheriff, if he shall consider such summing up necessary or proper, shall return a verdict setting forth, so far as such particulars have been proved, when and where the

accident and the death or deaths to which the inquiry relates took place, the cause or causes of such accident or death or deaths, the person or persons, if any, to whose fault or negligence the accident is attributable, the precautions, if any, by which it might have been avoided, any defects in the system or mode of working which contributed to the accident, and any other facts disclosed by the evidence which, in the opinion of the jury, are relevant to the inquiry.

3.—Public Inquiries.—In any case of sudden or suspicious death in Scotland, the Lord Advocate may, whenever it appears to him to be expedient in the public interest, direct that a public inquiry into such death and the circumstances thereof shall be held; and the public inquiry so directed to be held shall take place according to the forms and procedure prescribed by the Fatal Accidents Inquiry (Scotland) Act, 1895, as altered by this Act.

4.—Repeal of 58 & 59 Vict. c. 36, s. 4, s.s. 10.—Subsection ten of section four of the Fatal Accidents Inquiry (Scotland) Act, 1895, is hereby repealed, and in lieu thereof be it enacted as follows, namely:—

The jury shall be cited by the sheriff clerk from the sheriff court jury book in the manner provided by statute for the citation of jurors in civil cases in Scotland, and the existing statutory provisions relative to fines for non-attendance of jurors and to the swearing of jurors shall apply to inquiries under this Act; but no person shall be summoned to attend to serve as a juror in any inquiry held under this Act who resides beyond such distances from the court-house or other building at which the inquiry is held as may from time to time be fixed by the several sheriffs of the several counties, with the approbation of the Secretary for Scotland.

CHAPTER XXXVI.

Musical Copyright Act, 1906 (s. 4).

An Act to amend the law relating to Musical Copyright. [4*th August* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Penalty for being in Possession of Pirated Music.—(1) Every person who prints, reproduces, or sells, or exposes, offers, or has in his possession for sale, any pirated copies of any musical work, or has in his possession any plates for the purpose of printing or reproducing pirated copies of any musical work, shall (unless he proves that he acted innocently) be guilty of an offence punishable on summary conviction, and shall be liable to a fine not exceeding five pounds, and on a second or subsequent conviction to imprisonment with or without hard labour for a term not exceeding two months or to a fine not exceeding ten pounds: Provided that a person convicted of an offence under this Act who has not previously been convicted of such an offence, and who proves that the copies of the musical work in respect of which the offence was committed had printed on the title page thereof a name and address purporting to be that of the printer or publisher, shall not be liable to any penalty under this Act unless it is proved that the copies were to his knowledge pirated copies.

(2) Any constable may take into custody without warrant any person who in any street or public place sells or exposes, offers, or has in his possession for sale any pirated copies of any such musical work as may be specified in any general written authority addressed to the chief officer of police, and signed by the apparent owner of the copyright in such work or his agent thereto authorised in writing, requesting the arrest, at the risk of such owner, of all persons found committing offences under this section in respect to such work, or who offers for sale any pirated copies of any such specified musical work by personal canvass or by personally delivering advertisements or circulars.

(3) A copy of every written authority addressed to a chief officer of police under this section shall be open to inspection at all reasonable hours by any person without

payment of any fee, and any person may take copies of or make extracts from any such authority.

(4) Any person aggrieved by a summary conviction under this section may in England or Ireland appeal to a court of quarter sessions, and in Scotland under and in terms of the Summary Prosecutions Appeals (Scotland) Act, 1875 (38 & 39 Vict. c. 62).

2.—RIGHT OF ENTRY BY POLICE FOR EXECUTION OF ACT.—(1) If a court of summary jurisdiction is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Act is being committed on any premises, the court may grant a search warrant authorising the constable named therein to enter the premises between the hours of six of the clock in the morning and nine of the clock in the evening, and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and to seize any copies of any musical work or any plates in respect of which he has reasonable ground for suspecting that an offence against this Act is being committed.

(2) All copies of any musical work and plates seized under this section shall be brought before a court of summary jurisdiction, and if proved to be pirated copies or plates intended to be used for the printing or reproduction of pirated copies shall be forfeited and destroyed or otherwise dealt with as the court think fit.

3.—DEFINITIONS.—In this Act—

The expression "pirated copies" means any copies of any musical work written, printed, or otherwise reproduced without the consent lawfully given by the owner of the copyright in such musical work:

The expression "musical work" means a musical work in which there is a subsisting copyright, and which has been registered in accordance with the provisions of the Copyright Act, 1842 (5 & 6 Vict. c. 45), or of the International Copyright Act, 1844 (7 & 8 Vict. c. 12), which registration may be effected notwithstanding anything in the International Copyright Act, 1886 (49 & 50 Vict. c. 33):

The expression "plates" includes any stereotype or other plates, stones, matrices, transfers, or negatives used or intended to be used for printing or reproducing copies of any musical work: Provided that the expressions "pirated copies" and "plates" shall not, for the purposes of this Act, be deemed to include perforated music rolls used for playing mechanical instruments, or records used for the reproduction of sound waves, or the matrices or other appliances by which such rolls or records respectively are made:

The expression "chief officer of police"—

(*a*) with respect to the City of London, means the Commissioner of City Police;

(*b*) elsewhere in England has the same meaning as in the Police Act, 1890 (53 & 54 Vict. c. 45);

(*c*) in Scotland has the same meaning as in the Police (Scotland) Act, 1890 (53 & 54 Vict. c. 67);

(*d*) In the police district of Dublin metropolis means either of the Commissioners of Police for the said district;

(*e*) elsewhere in Ireland means the District Inspector of the Royal Irish Constabulary:

The expression "court of summary jurisdiction" in Scotland means the sheriff or any magistrate of any royal, parliamentary, or police burgh officiating under the provisions of any local or general police Act.

4.—SHORT TITLE.—This Act may be cited as the Musical Copyright Act, 1906.

CHAPTER XXXVII.

An Act to amend the Law relating to Labourers in Ireland and to make provision with respect to the application of portion of the Ireland Development Grant.

[*4th August* 1906.]

CHAPTER XXXVIII.

Statute Law Revision (Scotland) Act, 1906 (s. 2).

An Act to further promote the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary.

[*4th August* 1906.]

Whereas it is expedient that certain enactments which may be regarded as spent, or have ceased to be in force otherwise than by express specific repeal by Parliament, or have, by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Enactments in Schedule repealed.—The enactments described in the schedule to this Act are hereby repealed subject to the provisions of this Act and subject to the exceptions and qualifications in that schedule mentioned; and every part of a title, preamble, or recital specified after the words "in part, namely," in connexion with an Act mentioned in the said schedule, may be omitted from any revised edition of the statutes published by authority after the passing of this Act, and there may be added in the said edition such brief statement of the Acts, officers, persons, and things mentioned in the title, preamble, or recital, as may in consequence of such omission appear necessary.

Provided as follows:

The repeal of any words or expressions of enactment described in the said schedule shall not affect the binding force, operation, or construction of any statute, or of any part of a statute, whether as respects the past or the future;

and where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation, shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment or schedule shall not affect any enactment in which such enactment or schedule has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon, or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered—or any existing status or capacity—or any right, title, obligation, or liability already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand—or any indemnity—or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or the general or public nature of any statute, or any existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, emolument, or benefit, or any prospective right, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment, or other matter or thing not now existing or in force.

2.—Short Title.—This Act may be cited as the Statute Law Revision (Scotland) Act, 1906.

SCHEDULE.

[NOTE.—*The Enactments mentioned in the third column to this Schedule are wholly repealed unless the repeal is expressly confined to a specified part of the Enactment.*]

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
		JAMES I.
1424. May 26.	1424.	Parliamentum Apud Perth.
Cap. 1	Cap. 1	Of the fredome of halikirk.
,, 2	,, 2	Of pece to be kepit throu the realme.
,, 3	,, 3	Of rebellouris aganis the kingis persone.
,, 4	,, 4	Of inforsing the king aganis notour rebellouris.
,, 5	,, 5	Of ridaris and gangaris throu the cuntre.
,, 6	,, 6	Of the ministeris and officiaris of law throu the realme.
,, 7	,, 7	Of sornaris.
,, 8	,, 8	Of the custumis and buroumaillis of the realme.
,, 9	,, 9	Anent inquisicione of the kingis landis possessionis and annuel rentis.
,, 10		Of a general yelde to be rasyt for the payment of the finance to be made in Ingland for our lord the kingis costage.
,, 11	,, 10	Of slauchter of salmonde in tyme forbodyne be the law.
,, 12	,, 11	Of crufis and yaris. In part, namely: The words "for thre yeris tocum," and from "and thai that has" to the end.
,, 14	,, 13	Of clerkis and thair procuratouris passand oure the see.
,, 15	,, 14	Of clerkis purchessand pensionis out of beneficis.
,, 16	,, 15	Of the custum of gold and silver had oute of the realme.
,, 17	,, 16	Of strangeris that sellis merchandise in the realme and takis mone tharfor.
,, 18	,, 17	Of playing at the fut ball.
,, 19	,, 18	Of archaris.
,, 20	,, 19	Of rukis biggande in treis.
,, 21	,, 20	Of murbyrne.
,, 22	,, 21	Of the custum of hors nolt scheip and hering.
,, 23	,, 22	Of the custum of mertrik skynnis and other furringis.
,, 24	,, 23	Of the amending of the mone.
	,, 25	Of the age and mark of beggers and of idle men.
,, 27		Of chevisance to be maide in Flanderis for payment of the finance for the kingis costage.
1424. Mar. 12.	1424.	Parliamentum Apud Perth.
Cap. 1	Cap. 26	Of the fredome of halykirk.
,, 2	,, 27	Anent hospitalis.
,, 3	,, 28	Anentis heretikis and lollardis.
,, 4	,, 29	Anent the keping of the statutis maid in the kingis first parliament.
,, 5	,, 30	Anent ligis and bandis.
,, 6		Of merchandis passand in Flanderis.
,, 7	,, 31	Of the selling of hors.
,, 8	,, 32	Anent talch.
,, 9		Of the pricis of vittallis.
,, 10	,, 33	Of the steyllaris of greene wode and brekaris of orchardis.
,, 11	,, 34	Of stollyn wode fundyn in uthir lordis landis.
,, 13	,, 36	Anent stalkiris that slais deir.
,, 14		Of resettouris of theffis and reffaris.
,, 15	,, 37	Of resettouris of rebellouris.
,, 16	,, 38	Of merchandis passand our the see.
,, 18		Anent the ordinance of processionis and prayeris for the king the quen and thar barntyme.
,, 19	,, 40	Of the custum of wollyn clayth.
,, 20	,, 41	Anent the laboraris of the erd.
,, 21	,, 42	Of thiggaris.
,, 22	,, 43	Anent lesing makaris.
,, 23	,, 44	Of wapynschawingis.
,, 24	,, 45	Anent billis of complayntis. In part, namely: To "Justice ande," and from "Ande gif the Juge" to the end.
,, 25	,, 46	Anent remissionis to be gevyn.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1425.	1425.	Parliamentum Apud Perth.
Mar. 11.		
Cap. 1		Of the fredom of haly kirk.
,, 2	Cap. 47	Anent harnes and armouris to be brocht hame be merchandis.
,, 4		Anent the registracione of letteris of newe infeftment, confirmacion, &c.
,, 5	,, 49	Of the halding of the mone within the realme.
,, 6	,, 50	Of thame that may not gang apon asisse.
,, 7	,, 51	Of forthocht felony.
,, 8	,, 52	Of presens in the Parliament.
,, 9	,, 53	Of attournayis in the Justice ayr.
,, 10	,, 54–55	Of personis to be chosyn to examyn and mend the bukis of law of this realme.
,, 11	,, 56	Anent hostelaris in boroustounis and throuchfaris.
,, 12		Of orisones to be maid for the king the queyn and thare childer.
,, 13	,, 59	Anent mesuris.
,, 14		Anent wechtis.
,, 15	,, 57	Of watter mettis.
,, 16	,, 58	Anent batemen and feriaris.
,, 17	,, 60	Of wapinschawingis.
,, 18	,, 61–64	Ordinance anent the passage betuix Scotlande and Irlande.
,, 19	,, 65	Of the Sessionis to be haldin.
,, 20	,, 66	Anent inquisicion to be maid of ydil men that has nocht of thare awin to leif upon.
,, 21	,, 67	Of the registracione and proclamacione of the actis of parliament.
	1426.	
,, 22	Cap. 68–70	Assisa de ponderibus et mensuris.
,, 23	,, 71–75	Anentis fyre in townis.
1426.	1426.	Parliamentum Apud Perth.
Sept. 30.		
Cap. 1	Cap. 76	Anent the custum of salmondis and uthir fische.
,, 3	,, 78	Of the price of the werk maid by craftismen.
,, 4	,, 79	Of the fee of werkmen.
,, 5	,, 80	Of the punicion of werkmen that fulfillis nocht thar werk at the tyme thai hecht.
,, 6	,, 81	Anent the sawing of quhete peis and benis.
,, 7	,, 82	Anent the biggyn and reparelling of castellis and maner placis beyonde the mownth.
1427.	1426.	Parliamentum Apud Perth.
July 1.		
Cap. 1	Cap. 83	De juramento auditorum ad causas et querelas terminandas.
,, 2	,, 84	De financia facienda per clericos aut laicos ad partes ultramarinas se transferentes.
,, 3	,, 85	De hostellariis seu hospiciis publicis.
,, 4	,, 86	Revocacio ordinacionum super artificum decanis.
,, 5	,, 87	Pro expedicione litium in curia spirituali.
,, 6	,, 87	De arbitriis.
,, 7		De excepcionibus falsis et frivolis.
1427.	1427.	Concilium Generale Apud Perth.
Mar. 1.		
Cap. 1	Cap. 100	Of thaim that has oute of the realme merchandice nocht payande the custum.
,, 2	,, 101	Of the commissaris of the schiris and the commoun spekar of the parliament.
,, 3	,, 102	Anentis the men of craftis in burowis.
,, 4	,, 103	Addicioun to the statut of beggaris.
,, 5	,, 104	That baronis ger seik the quhelpis of the wolfis and sla thame.
,, 6		Of cruffis in watteris.
,, 7		The leife to merchandis to fure thar gudis in schippis of vthir cuntreis.
,, 8	,, 105	Anent lipper folk.
,, 9	,, 106	Anent the passage of clerkis out of the realme.
,, 10		That na man cum to courtis with gaddering.
,, 11	,, 107	Anent interpreting the kingis statutis.
,, 12	,, 108	Anent wylde foulis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1428. July 12. Vol. II., p. 17.	1428. Cap. 109	Concilium Generale Apud Perth. De juramento prestando Domine Regine.
1429. Apr. 26. Cap. 1	„ 110	Parliamentum Apud Perth. De fugientibus a Rege vel alio quocunque ejus locum tenente.
„ 2		De colonis pro anno futuro non removendis.
1429. Mar. 6.	1429.	Parliamentum Apud Perth.
Cap. 1	Cap. 111	Of mayris of fee.
„ 2	„ 112	Of summondis.
„ 4	„ 114	Of essonyeis.
„ 5	„ 115	Of borghis fundyn be defendouris apon a weir of law and thar fredome to be avisit.
„ 6	„ 116	Of falsing of domis.
„ 7	„ 117	Of recounteris and of the absens of the partiis at the dome geving of the decrete.
„ 8	„ 118	Of the array of knychtis lordis and vtheris.
„ 9		Of the array of burgessis and their wyffis.
„ 10		Of the array of yemen and commonis to landwartis.
„ 11	„ 120	Anent the maner of grathing of gentilmen and utheris for weir.
„ 12	„ 121	Anent the maner of grathing of yemen for weir.
„ 13	„ 122	Of unlawis to be raisit of thaim nocht bodyn as is before writtyn.
„ 14	„ 123	Anent the maner of grathing of burgessis for weir.
„ 15	„ 124	Anent schippis that brekis within the boundis of this realme.
„ 16	„ 125	Of the aith of advocatis in temporalle courtis.
„ 17	„ 126	Anent the making and reparalling of galayis.
„ 18	„ 127	Of the breif of seysing.
„ 19	„ 128	Of the kingis leigis that remanis in Ingland aganis the kingis will.
„ 20	„ 129	Of soverte askit be ony of the kingis liegis that he hes doute of his life. In part, namely: From "Ande gif that the" to the end.
„ 21	„ 130	Anent the service of inquestis and retouris to the kingis chapell.
„ 22	„ 131	Anent the act of the fishing of salmonde.
1431. Oct. 16.	1431.	Parliamentum Apud Perth.
Cap. 1		Of a contribucion to be rasit for the resisting of the rebellouris in the north lande.
„ 2	Cap. 132	Anent the selling or barteryng of salmonde out of the realme.
„ 3		Anent thaim that passit nocht with the king in the north cuntre againis his rebellouris.
„ 4	„ 133	Of the analying of landis fra the croune be the governour of the realme.
1432. May 27.	1426.	Parliamentum Apud Perth.
		Statutis for stanching of fellone slauchteris and barganis and for the abreging of the law in swilk case.
Cap. 1	Cap. 89	Of the persute of thaim that committis slauchter.
„ 2	„ 90	Of the slaar fugitive fra the law and proclamacion to be maid not to resett him.
„ 3	„ 91	Of slauchter within a barony.
„ 4	„ 92	Of slauchter done within burgh.
„ 5	„ 93	Of schireffis and ministeris of Regalite that executis nocht the law beforsaid.
„ 6	„ 94	Of Lordis of Regalite and Aldermen and Balyeis in burgh that executis nocht the law.
„ 7	„ 95	Of barganis in burgh or on lande and inquisicion thairanent whither it be forthocht felony or suddandly done.
„ 8	„ 96	Of fugitouris fra burghis in forthocht felony.
„ 9	„ 97	Of hurtis and slauchteris done be the frendis of assoverit partiis.
„ 10	„ 98	Of the punicion of thaim that rise nocht in suppowel of the schireff persewand fugitouris with the kingis horne.
„ 11	„ 99	That the kingis officiaris and the officiaris of regaliteis and burghis haif wandis and hornis.
		Precept tuiching the keping of the forsaid statutis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1433. Mar. 1.	1433.	Parliamentum Apud Strivelyn.
Cap. 1	Cap. 134	Of the act maid at Perth anentis the breif of the breking of the kingis proteccioun.
„ 2		Of the breif of watter gangis.
„ 3		De vicecomitibus qui non debite fecerunt execucionem actorum parliamenti.
1434. Jan. 10.	1434.	Parliamentum Apud Perth.
Cap. 2	Cap. 136	De literis retinencie et fidelitatis dandis Domine Regine.
1436. Oct. 22.	1436.	Concilium Generale Apud Edinburgh.
Cap. 1	Cap. 137	Anent the selling of thefis be lordis of regalite schireffis or baronis.
„ 2	„ 138	Of the aithe to be maid be assisouris.
„ 3	„ 139	Of arrestmentis be crownaris at Justice airis.
„ 4	„ 140	Of arrestment and persute of trespassouris be schireffis in the kingis name.
„ 5	„ 141	Of assoverance and proteccion be Inglismen.
„ 6	„ 142	Of the setting of courtis for juging of thevis.
„ 7	„ 143	Of the inbringing of bulyeon be merchandis.
„ 8	„ 144	Of the tavernaris in the nicht.
„ 9	„ 145	Anent Inglis clath and uthir gudis.
„ 10	„ 146	Tuiching the selling of salmonde to Inglis men.
„ 11	„ 147	Of bying of wyne fra Flemyngis of the Dam.
„ 12	„ 148	That the kingis Justice hald the law quhair the trespas wes done.
„ 13	„ 149	Of golde silver and jowalis.
		JAMES II.
	1437.	Concilium Generale Apud . . . . .
Vol. II., p. 31.	Cap. 2	Of alienacionis of landis and movabill gudis in prejudice of the croun.
„	„ 1	Coronacio Domini Regis Apud monasterium Sancte Crucis de Edinburgh.
1438. Nov. 27.		Concilium Generale Apud Edinburgh.
Cap. 1		Ordinacio super inquisicionibus captis tempore domini regis Jacobi primi.
„ 2		Of oppin reyffis and spoliacionis.
1438. Mar. 13.	1438.	Concilium Generale Apud Strivilyn.
Cap. 1		Of the halding of twa sessionis yerly.
„ 2	Cap. 3	Of arresting and taking soverte of rebellis or unrewlful men resett or haldyn within castellis or fortalicis.
1440. Aug. 2.	1440.	Concilium Generale Apud Strivilyn.
Cap. 1	Cap. 4	Of the fredome of haly kirk.
„ 2	„ 5	Of Justice airis to be haldin twise in the yere.
„ 3	„ 6	Of remede and punicioun of crymis.
1443. Nov. 4.	1443.	Concilium Generale Apud Strivilyn.
Cap. 1	Cap. 7	For the supple and defens of haly kirk.
1445. Jan. 14.		Parliamentum Apud Perth.
Vol. II., p. 33.		Tuiching the landis quhilkis our soverane lordis fadir had in peceabill possessione the day of his deces.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1449. Jan. 19.	1449.	Parliamentum Apud Edinburgh.
Cap. 1	Cap. 12	Of letteris of capcione to be gevin apon personis under censuris of haly kirk.
„ 2	„ 13	Of general pece to be proclamyt and kepit oute throu the realme.
„ 3	„ 14, „ 15	Of rebellione agaynis the kingis persone or his autorite.
„ 4	„ 16	For the keping of trewis on the bordouris.
„ 5	„ 17	Of punicione of officiaris that wilfully trespassis in the ministracion of thar office.
„ 6	„ 18, „ 19	Of takis of landis for termes and takis of wedset landis eftir the oute quyting of the lande. In part, namely: From "Bot quha sa," to the end.
„ 7	„ 20	For the restorance of spoliacion.
„ 8	„ 21	That Justicez chaumerlanis crownaris and uthir officiaris ryde bot with competent and esy nowmer.
„ 9	„ 22	For the away putting of sornaris fenyet fulis bardis and sic lik utheris rynnaris aboute.
„ 10		Persons chosyn of the thre estatis til examyn the actis of parliamentis and general counsallis.
„ 11	„ 23, „ 24	Of the bying and selling of vittale for eschewyn of derthe in the lande.
„ 12	„ 25	Of treson agaynis the kingis persone or his majeste.
„ 13	„ 26	That regaliteis that ar in the kingis handis be haldin in Ryalte.
„ 14	„ 27	For eschewing of masterful thift and reife.
„ 15	„ 28	Anent Justice Clerkis.
„ 16		Anent the biggyn of touris or fortalicis.
„ 17	„ 29	Anentis the mone.
„ 18	„ 30	Ordinance anent the contumacy of partiis summonde befor the king and his consal.
1450. May 4.	1450.	Concilium Generale Apud Perth.
Cap. 1	Cap. 31	Of the bringing in of poyson be ony person of the realme.
„ 2	„ 32	Of the bringing in of poyson by strangearis.
1451. Oct. 25.	1451.	Parliamentum Apud Strivilyn.
Cap. 1–13	Cap. 33	The avisement of the Deputis of the thre Estatis tuiching the mater of the money, &c.
„ 14	„ 34	
„ 15	„ 35	
„ 16	„ 36	
„ 17–18	„ 37	
1452. Aug. 26.	1452.	Parliamentum Apud Edinburgh.
Cap. 1		Of the course of the Inglis penny.
„ 2		A parliament ordanyt to be haldin at Edinburghe the XXVIII day of Marche next to cum.
„ 3	Cap. 38	Anent the threschin out of corne.
„ 4	„ 39	Of halding wittail in gyrnall.
„ 5	„ 40	Of bying and halding wittail to a derthe.
1454. July 16.	1454.	Parliamentum Apud Edinburgh.
Cap. 1		Of the statutis anent the keping and execucione of Justice.
„ 2	Cap. 40	For the inbringing of wittalis.
1455. Aug. 4.	1455.	Parliamentum Apud Edinburgh.
Cap. 3	Cap. 42	Of the office and power of the wardanis on the bordouris.
„ 4	„ 43	Of the annexacione of Regaliteis now in the kingis handis to the Rialte.
„ 5	„ 44	That na office be geffyn in fee and heritage.
„ 6		Of compensacion for officis or custumis revokyt.
„ 7		Of the arestouris of fals cunyeouris.
„ 8	„ 45	Of sornouris.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1455.	1455.	
Aug. 4.		
Cap. 9	Cap. 46	Of the secret consale of burowis.
„ 10		Of ane ambaxat to the pape.
„ 11, „ 12	„ 47	Of the arraymentis for Parliamentis and Generale Consallis.
„ 13		Continuacion of this parliament.
1455.		Parliamentum Apud Striviling.
Oct. 13.		
Cap. 1	„ 48	Of takynnis on the est bordour be balys birnyng.
„ 2		Of the punicion of thame that warnys of the riding of ane host in Inglande.
„ 3	„ 49	Of personis sclanderit or suspect of tresone.
„ 4	„ 50	That nane pas in Inglande without leif in tyme of weir.
„ 5	„ 51	That na Inglisman cum in Scotlande withoutyn conduct or assoverance.
„ 6		That na Scottisman bring in the realme ony Inglismen.
„ 7		That na Scottisman sit apon speciale assoverance of ony Inglisman.
„ 8	„ 52	That na Scottisman supple Bervyk nor Roxburghe.
„ 9		Of the parting of gudis quhen the wardan ridis or ony uthir chiftane.
„ 10	„ 53	Of reif of gudis or presonaris.
„ 11	„ 54	Of willfull effray in the hoist.
„ 12		Thir saide statutis to be proclamyt at raidis maide in Inglande.
„ 13		Anent Inquisicion of sornouris and oppressouris.
„ 14	„ 55	Of the laying of garnisonis apone the bordouris.
1456.	1456.	Concilium Generale Apud Edinburgh.
Oct. 19.		
Cap. 1		Anent debatis of the taking of presonaris.
„ 2		Of the supple of the bordouris.
„ 3	Cap. 56.	Of the defence of the realme.
„ 4		Of cartis of weir.
„ 5		Of the sending to France.
„ 6	„ 57	Of the pestilence and governance thairof.
„ 7	„ 58	Of the mone.
„ 8		Of Justice and of sessionis halding.
„ 9	„ 59	Of distressis takin be schireffis and constablis at faris.
„ 10	„ 60	Of distressis for constabill feis.
„ 11		Of vittalys passande to Berwik Roxburghe and Inglande.
1457.	1457.	Parliamentum Apud Edinburgh.
Mar. 6.		
Cap. 1		Of the lordis of the sessione.
„ 2	Cap. 61	Of the causis that the lordis of the sessione sall knaw apone.
„ 3	„ 62	Of the manere at the cause salbe brocht befor the lordis of the sessione.
„ 4	„ 63	Tuiching the expens of the lordis of the sessione.
„ 5		Of uthir lordis of the sessione to be namit the said sessionis endit.
„ 6	„ 64	Of wapinschawingis.
„ 7		Of the mone.
„ 8	„ 65	Anent the reformacione of golde and silver wrocht be goldsmythis.
„ 9	„ 66	Of litstaris.
„ 10	„ 67	Anent the estat of merchandice and restriccione of the multitude of sailaris.
„ 11	„ 68	Of the arraymentis for Parliamentis.
„ 12	„ 69	Anentis the reformacione of hospitalys.
„ 13	„ 70	Anent restriccione of sumptuose clething.
„ 14		Of Justice ayris.
„ 15	„ 71	Anent the setting of landis in feuferme.
„ 16	„ 72	Of regaliteis.
„ 17		Of beggaris.
„ 18	„ 73	Anentis mettis and mesuris.
„ 19	„ 74	Anentis the contentacione of parteis plenyeande of personis quhilkis has remissionis of the king.
„ 20		Anentis the reformacione of chaumerlane ayris.
„ 21	„ 75	Of frehaldaris cuming to Parliament or general consale.
„ 22		Of the use of taking distressis for constable feis.
„ 23	„ 76	The punicione of negligent officiaris.
„ 24	„ 77	Of bandis and ligis within burrowis and of manrent.
„ 25	„ 78	Anent maisterful men that schapis thame to occupy maisterfully lordis landis.
„ 26	„ 79	Of Inquisicione of Sornaris bardis maisterfull beggaris and fenyeit fulys.
„ 27	„ 80	Anent plantacione of woddis and heggis and sawing of broum.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1457.	1457.	
Mar. 6.		
Cap. 28	Cap. 81	Anent the sawing of quheit peys and benys.
,, 29	,, 82	That all personis sall cum to courtis in sobyr and quiet maner.
,, 30	,, 83	Anent yardis and heggis of dry staikis.
,, 31	,, 84	Anent the keping of wylde foulys that ganis to eit for the sustentacione of man.
,, 32		Anent the distroying of rukis crawys and uthir foulys of reif.
,, 33	,, 85	Anent the slauchter of rede fische.
,, 34	,, 86	Anent ingynis that lat the smoltis to pas to the se.
,, 35	,, 87	For the destruccione of wolfis.
,, 36	,, 88	Anentis the slaaris of haris and destruccione of cunnyngis.
,, 37		The statute anent lesyng makaris confirmyt and apprevyt.
,, 38		The statute of murbyrne apprevyt and ordanit to be kept.
,, 39	,, 89	Anent proclamacione of the actis and ordinancis abone writtyn in schyris and burrowis.
,, 40		Exhortatione be the thre estatis to our soverane lord tuiching the diligent execucione of thir actis and statutis.
		JAMES III.
1466.	1466.	Parliamentum Apud Edinburgh.
Oct. 9.		
Cap. 1	Cap. 1	Of halikirk.
,, 2		Of a commission of Parliament for treating of the mariage of our lorde the king, my lady, my lordis of Albany and Marr and for divers uthir thingis.
,, 3	,, 2	Anent the dowry of the queyne.
,, 4	,, 3	Anent commendis of beneficis religious or seculare.
,, 5	,, 4	Of pensionis oute of beneficis.
,, 6	,, 5	Anentis law borowis and the unlawis of thame that brekis the samyn.
,, 7	,, 6	Anentis summondis to be abregeit to xxi dayis.
,, 8		Anentis barnes that ar put in feis of landis.
,, 9	,, 7	That na Inglis man have benefice within Scotlande.
,, 10	,, 8	Anent the money and for the halding of the samyn within the realme.
,, 11		For the inbringing of the moneye in the realme.
,, 12	,, 9	Of coppir money to be cunyeit and of the cours of all uthir money.
,, 13	,, 10	For the reformacioune of the hospitalis.
1466.		Parliamentum Apud Edinburgh.
Jan. 31.		
Cap. 1	,, 11	That nane sale nor pass in merchandise out of the realme bot fre men.
,, 2	,, 12	That na man of craft use merchandise.
,, 3	,, 13	That na man sale in merchandise without half a last of gudis.
,, 4	,, 14	That na schip be frachtyt without a charter party.
,, 5	,, 15	That na schip be frachtit with staple gudis fra the fest of Symondis day and Jude on to Candilmes.
,, 6	,, 16	That nane by nor sel na mak merchandise to the Swyn, the Sluse, the Dam, or Bruges.
,, 7		Tollerance granted till merchandis to do thar merchandise at Myddilburgh.
,, 8	,, 17	Licence til merchandis to sale to the Rochel Burdeus France and Noroway.
1467.	1467.	Parliamentum Apud Edinburgh.
Oct. 12.		
Cap. 1	Cap. 18	Of the course of the mone of uthir realmis and of the blak pennyis.
,, 2	,, 19	Of the payment of dettis and contractis bigane according to the cours of the mone at the making of the contractis.
,, 3	,, 20	That briggis of buirdis be maide at ferryis for the eis of schipping of hors.
,, 4	,, 21	The proposition of the clergy and burrowis tuiching the payment of subsidis procuracyis custumis and dewteis gif the mone be proclaimit to lawer price grantyt be the king.
1467.		Parliamentum Apud Strivelin.
Jan. 12.		
Cap. 1		Anent the mariage of our soverane lord.
,, 2		Anent the mater of Noroway.
,, 3	,, 22	Of the cours of the Scottis grote of the croune.
,, 4	,, 22	Of the cours of the Inglis penny.
,, 5	,, 22	Of the cours of the quhite Scottis pennyis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1467.	1467.	
Jan. 12.		
Cap. 6	Cap. 22	Of the cours of the blak mone.
,, 7	,, 22	Anent the heing of the avale of the crounite grote and Inglis penny.
,, 8		Anent the inbringing of bulyon.
,, 9	,, 22	Anentis mettis and mesuris.
,, 10		Anent the taxt of the barouns—Inquisicion to be takin and retourit of the avale of ilk mannis rent.
,, 11		The resavouris of the taxt—The personis ordanit to take the said Inquisicions in the several schirefdomis.
		Parliamentum Apud Edinburgh.
1468.		
Cap. 1	,, 23	Anent the mone.
,, 2		Of the Sessione.
,, 3	,, 24	That no catel be sellit out of the realme.
,, 4		That thar salbe bot twa sessiounis—ane in edinburgh and ane in perth.
,, 5		For autorizing of Justice aris set in feriale tyme.
,, 6		Of the unlawis of the session.
,, 7		The king and his consale to chese utheris in case ony of the personis nemmyt to the sessiouns be seeke or absent.
1469.	1469.	Parliamentum Apud Edinburgh.
Nov. 20.		
Cap. 1	Cap. 25	Of the fredome of halye kirk.
,, 2	,, 26	Of schireffis and uthir Jugis ordinaris quhilkis wil nocht minister Justice to the pure pepil.
,, 3	,, 27	Tuiching the new Inventionis of selling of landis be chartir and sesing and takin again of reversions. In part, namely : From "and because sik" to the end.
,, 5	,, 29	Anent the electioune of aldermen bailyis and uthiris officiaris of burowis.
,, 6	,, 30	Of notaris and tabellionis.
,, 7	,, 31	Of the metting of woln claith be the rig and nocht be the selwich.
,, 8	,, 32	Of the indorsing of the kingis brevis and letteris.
,, 9	,, 33	Of the takin of feis be constablis of castellis schireffis and bailyeis of burowis at faris parliament tymes and generale counsalis.
,, 10	,, 34	Anent the punding for malis and incasting and owtcasting of tennandis at wit-sunday or martymes.
,, 11	,, 35	Of slachteris of forethocht felony and of sudante and of the immunite of haly kirk and girth.
,, 12	,, 36	Anent the distrenying of tenandis for the lordis dettis. In part, namely : From "And gif the soume optenit" to "said is or nocht," and from "And gif thair can nocht" to "before the schireff," and from "And failzeing thereof" to the end.
,, 13	,, 37	For the multiplicacione of fisch salmonde grilses and trowtis.
,, 14	,, 38	Anent the continuatiounis of the court of parliament and uthir courtis.
,, 15		Anent the executione of the act for the reformacione of hospitalis.
,, 16		Anent the executione of the statute for the making of briggis at the ferryis.
,, 17	,, 39	Anent putting the Kingis Rollis and Register in bukis.
,, 18	,, 40	Of blac mone of uthir realmes and counter fetis of the kingis blac mone.
,, 19		The personis to quhom the thre estatis hes committit ful power to auise commone and refer again to the next parliament of certane materis viz. the inbringing of bullion—the reductione of the kingis lawis—the reformatione of mane sworne athis—and uthir articlis.
		Parliamentum Apud Edinburgh.
1471.		
Maii 6.		
Cap. 1		Of the fredome and privilege of halikyrk.
,, 2		Of ane ambaxate to be sende to the king of France and the duc of Burgunye.
	1471.	
,, 3	Cap. 42	Act anentis the stanchyn of slachtir ratifeit with addicion.
,, 4	,, 43	That na clerkis purches abbasyis and uthir beneficis at the court of Rome quhilkis was nocht thairat of befor—nor offices of collectory—nor unyownys and annexacionis of benefices.
,, 5		Of cartis of weir to be maid.
,, 6	,, 44	Of armouris—and of wapynschawing.
,, 7	,, 45	Anent the weiring of silkis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1471. Maii 6.	1471.	
Cap. 8	Cap. 46	Of the cours of the mone.
,, 9	,, 47	For the eschewing of maneswering of fals Inquestis and assisis.
,, 10	,, 48	Anent schippis and buschis for fysching.
,, 11	,, 49	Of unlawis in accionis befor the lordis of consail.
,, 12		The personis that the power of the thre estatis is committit to.
1471. Aug. 2.	1471.	Parliamentum Apud Edinburgh.
Vol. II., p. 101.	Cap. 41.	Anent the ordour and forme in the taking of excepcions to brefis.
1474. Maii 9.		Parliamentum Apud Edinburgh.
Cap. 1		Of the fredome of halykirk.
,, 2		Of an ambassat to be sende in Ingland for redres of the barge and uthir attemptis.
,, 3		Of a commission to be sende till the king of Denmark.
	1474.	
,, 4	Cap. 50	Anent the mone and the inbringyne of bulyeone.
,, 5		Anentis the cartis of weir.
,, 7	,, 52	Anent the pruving of arestmentis.
,, 8	,, 53	Anent the aierschipe of movabill gudis of baronis gentilmen and frehaldaris.
,, 10	,, 55	Anent the awail of landis to be answerde in the Retour of the breifis of Inquest.
,, 11		That complayntis be first persewit to the Juge ordinar.
,, 12	,, 56	Anent the consale to be chosin in burowis.
,, 13	,, 57	Anent ourlordis that fraudfully deferris till enter to thair landis.
,, 14	,, 58	Anent the apprehending of persons arrestit to the Justice ayr.
,, 15	,, 59	Anent the steling of haukis hundis, &c.
,, 16	,, 60	Anent the hunting and slaing of dais and rays and the taking of cunnyrgis, &c.
,, 17	,, 61	Of the fraucht to be takin be feriaris.
,, 18		Continuation of the Parliament—and the power of the thre estatis committit to certane personis.
1475. Nov. 20.		Parliamentum Apud Edinburgh.
Cap. 1		Of the fredome of haly kirk.
,, 2		Of Justice aris to be set twise in the yer and of the executioun of the act anent fugitivis to the girth, &c.
	1475.	
,, 3	Cap. 62	Anent the administracione of Justice in civile accions and complantis.
,, 4	,, 63	Twiching the reformacione of fals assisis passand upone criminale accions.
,, 5		Anent the mariage of our soverane lordis sistir.
,, 6	,, 64	Anent the money.
,, 7	,, 65	That cunyit money be not put to the fire to be maid bulyone.
,, 8	,, 66	Anent the breif of Idiotrie and furiosite.
,, 9	,, 67	Of the cours of the money.
,, 10	,, 68	Of the payment of dettis according to the former cours of the money.
,, 11	,, 69	Of courtis of guerra.
1476. July 1.		Parliamentum Apud Edinburgh.
Vol. II., p. 113	,, 70	Revocacio omnium alienacionum corone regie prejudicialium.
p.114.		Continuacio parliamenti.
,,		The persons to whom the hail power of the parliament is committit.
1478. June 1.		Parliamentum Apud Edinburgh.
Cap. 1		Of the fredome of halikirk.
,, 2		Of the granting of remissiounis and respettis for slauchter.
,, 3		Of the striking of cunye and of bulyeon.
,, 4		Of an ambassiate to the Duk of Burgunye to get confirmacion of the privilegis grantit to the merchandis of this realme of befor.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1478. June 1.	1477.	
Cap. 5	Cap. 72	For inbringing of vitalis and uthir lauchful merchandice in the realme.
„ 6	„ 73	For observing of the act anent the cruvis sett in watteris. In part, namely :— The words "under the pain of v li for Ilk cruf," "under the samyn payne," and from "And that the myd streme" to the end.
„ 7	„ 74	Anent the feriaris that rasis fraucht, uppoune the kingis liegis.
„ 8	„ 75	Anent the murburne.
„ 9	„ 76	Of the bind of salmonde.
„ 10	„ 77	Of masterfull beggaris and sornaris.
„ 11	„ 78	Of schoyn of hors in the quyk be ignorant smethis.
„ 12		The power of the Parliament committit to certane persons of the thre estatis.
1481. Apr. 2.	1481.	Parliamentum Apud Edinburgh.
Cap. 1		The liegis to be warnyt to be redy to cum to the king bodin in feir of were.
„ 2	Cap. 80	Of speris and jakkis.
„ 3		Of targeis.
„ 4	„ 81	Anent personis cummand to the oist.
„ 5		Of the execucioun of the actis anent the wapinschawin and abilyement for were.
„ 6	„ 82	For reparaling and stuffing the kingis castellis.
„ 7		Anent the privilege of the croun tueching the presentacions of beneficis the tyme of the vacacioun of the sege of bischoppis.
1481. Mar. 18.		Parliamentum Apud Edinburgh.
Cap. 1		Of the breking of the trewis be the revare Edward calland him king of Ingland.
„ 2		Grant to the king and promit be the estates to abide with thare persons and substance in his defence.
„ 3		The kingis promit for ministracione of justice and gude reull.
„ 4		The maner of redynes for resisting and aganestanding of the said revare Edward.
„ 5		Of the beraris of the kingis letteris to warn his liegis.
„ 6		Twiching the resisting of the tratour James of Dowglace.
„ 7		Grant of VIc men of were to be layd in garnysoun on the bordouris.
„ 8		Of the placis that the said men of were salbe layd in.
„ 9		Of the captanis of the saidis placis.
„ 10		Of the waigis of the Capitanys foresaide.
„ 11		Of the wardane on the west bordouris.
„ 12		Anent the punitioun of personis quhilkis favouris the tratour James of Dowglas.
„ 13		Of an ambaxat to the king of France for help and supplie.
„ 16	„ 84	Of the privilege of the croun anent the presentacioun of benefices in the tyme of the vacacioun of the segis of bischopis.
„ 17	„ 85	Of the punitioun of thame that takis officis of procuration, &c. contrare the said privilege.
„ 18		For the inbringing of merchandise and vittalis in the realme be strangearis and alienaris.
Vol. II., p. 141.	„ 79	Declaracioun of the law tuiching the halding of courtis of Purprusioun.
1482. Dec. 2.		Parliamentum Apud Edinburgh.
Cap. 1		Of pece and aliance with Ingland.
„ 2		Anent the Duke of Albany—to tak apon him to be lieutennent generale of the realme.
„ 3		For the defence of the realme baith be sey and land.
„ 4		On the ministracione of Justice be wardanis schireffs and uthir officiaris.
	1482.	
„ 5	Cap. 86	Of the continuacioun of wardanis courtis.
„ 6	„ 87	Aganis thame that breikis sauf conduct.
„ 7	„ 88	Aganis the inbringing of corrupt or mixt wyne within the Realme.
„ 8		Anent the halding of money within the realme.
„ 9		Anent the purchesing of pensions furth of beneficis.
	1487.	
„ 10	Cap. 114	For the inbringing of victalis and nedefull merchandise be strangearis of uthir realmes.
„ 11		For remede of the complaynt made be divers merchandis that thair gudis are haldin fra them in France.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1483. Feb. 16.	1483.	Parliamentum Apud Edinburgh.
Cap. 1	Cap. 89	Of proclamacion to the liegis to cum to the king for the defens of the Realme —and of wapinschewingis.
,, 2		Tueching the recovering of the castell of Dunbar.
,, 3		Tueching the personis that ar summound for airt and part and tresonable assistance to Alexander sum tyme duc of Albany.
,, 4		Of Justice airis to be sett and haldin generally throu the Realme and of wardane Courtis.
,, 5		Aganis the gevin of remissionis or respettis.
,, 6	,, 90	Tueching the kingis malis rentis and fermez.
,, 7		Anent the blame of the estatis and lordis that ar not cumin to this parliament.
,, 8	,, 91	Anent the discordis that standis ymangis our souerane lordis liegis.
,, 9		Anent Impetraciouns made in the Court of Rome Incontrar oure soverane lordis privelege.
,, 10	,, 93	Of the money and Inbringing of bulloun.
,, 11		Anent the having of mone furth of the Realme for promocions and pleis in the Court of Rome.
1485. Maii 9.		Parliamentum Apud Edinburgh.
Cap. 1		Of the fredome of halikirk.
,, 2		Anent the pece now takin betuix our soverane lord and Richard king of Ingland. And the meriage and aliance appunctit to be maid and per formyt.
,, 3		Anent the fischgarth of Esk debatable betuix the Realmes.
	1485.	
,, 4	Cap. 94	Of Justice airis to be haldin in all partis of the Realme twys in the yer—and of Remissions and Respittis.
,, 5		Of an ambassat to our haly fader the paip.
,, 6–12		Materis to be put in the Instruccions that salbe gevin to the commissionaris forsaid to be send to the paip.
,, 13	,, 95	Of feriaris that takis duble and trible fraucht.
,, 14		Of speciale letteris to be writtin to the paip tuiching benefices elective.
,, 15	,, 96	For eschewing of the dammage sustenit be the liegis in the mynysyng in the finace of silver werk.
,, 16		Of the cours of the money and for the inbringing of bulyone—And anent the plakkis and half plakkis.
,, 17		Anent the execucion of the act aganis the purchessaris of benefices pertening to our soverane lordis presentacioun the sege vacand.
1486 (?).		Parliamentum Apud . . .
Cap. 1	,, 97	The crying doune of the new plakkis.
,, 2		Anent the halding and keping of talloun within the realme.
,, 3		That na hydis saltit dry nor barkit be had out of the realme.
1487. Oct. 1.		Parliamentum Apud Edinburgh.
Cap. 1		Aganis the gevin of remissiounis and respectis for vii yeiris nixt tocum.
,, 2		Of Justicez generale to be deput—and of Justice airis to be haldin in all partis of the Realme.
	1487.	
,, 3	Cap. 98	Promitt be the estatis not to manteine or defend tratouris nor uthir trespassouris.
,, 4	,, 99	Anent the Crounar quhen he Ressavis his portews.
,, 5	,, 100	Of the execucion of the actis of parliament anent the punycion of slachter—with addicioun.
,, 6	,, 101	Of the keping of trespassouris eftir that thai ar takin and arrestit be the crounar.
,, 7	,, 102	Anent the gudis of convict trespassouris and bringing in the samin to the chekker.
,, 8	,, 103	Of an assise to be gevin at Justice airis to the schireff and Crounaris gif thai have usit and done thair office trewly.
,, 9	,, 104	Of the execucion of the act anent the cumin to Courtis in sobre and quiet wise with addicioun.
,, 10	,, 105	Of jurisdictioun and process in Civile accionis questionis and pleyis.
,, 11		That thair be ane ambaxiat send to the king of Romanis with commissioun to laubour for the doun putting of the letter of marque.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1487. Oct. 1.	1487.	
Cap. 12	Cap. 106	That the Actis of parliament made apon salaris furth of all burowis in the partis of Flandris Holland or Seyland be put to execucioun.
,, 13	,, 107	That the act of parliament tueching the craftismen usand and deland with merchandise be put to execucion.
,, 14	,, 108	That the act of parliament anent the chesing of officiaris in borowis be ratifiit and put to execucioun.
,, 15	,, 109	That the act of parliament anent the fraucht and laiding of schippis be put to execucioun.
,, 16	,, 110	Anent the barell bind of salmond not to be mynyst.
,, 17	,, 111	That certane commissionaris of borrowis convene in ilk yere in the burgh of Inverkethin. In part, namely : From "anis in ilk zere" to "James day" and from "and quhat burgh" to the end.
,, 18		Anent the fisching and making of hering at the west sey.
		Parliamentum Apud Edinburgh.
1487. Jan. 11.		
Cap. 1		Of the fredom of halikirk.
,, 2		Anent the mariagis of our soverane lord and our lord the prince his son.
,, 3		Of the castel and toun of Berwik.
,, 4		Anent the prolonging of the trewis.
,, 5		Of certane personis to be nemnyt to be gret Justicis on the sowth side of forth.
,, 6		Of the Justicis on north half forth.
,, 7		Of Justice ayeris to be proclamyt.
,, 9		Anent the monye.
,, 10		For punicioun of fals Cunyeouris.
,, 11		Anent the Inbringing of bulyeoun and keping of gold and silver within the Realme.
,, 12		Anent Clerkis that makis Impetraciouns of beneficis at the Court of Rome.
,, 13		Anent the having of the money furth of the Realme.
,, 14		For the staynching of slauchter thift Reffis hereschippis and uthir trespassis.
,, 15		Anent the fisching and making of hering and uthir fisch at the west sey and lowis.
,, 16		Anent ouer souerane lordis bull of privilege tuiching legatis of the Court of Rome.
,, 17		Anent the statute that all acciouns and causis sal pas before the schireffis and Jugez ordinaris.
,, 18	,, 113	Anent the gudis of persouns that ar justifiit.
,, 19		Anent the vacacioun of the sege of Aberdene.
	,, 115	Commission for examination of the lawes.
		JAMES IV.
		Parliamentum Apud Edinburgh.
1488. Oct. 6.		
Cap. 1		Of the halykirk.
,, 2		Of oure soverane lordis mariage and a contribucioun for an ambaxiate to be send thairupon.
,, 3		Of a commissioun to renew the consideracioun betuix the realmez of France and Scotland.
,, 4		Anent the gudis landis and housis takyne befor the feild of Sterviling be lordis and personis that war with our soverane lord that now is.
,, 5		Anent gudis takin fra burgessis and merchandmen sen the tyme of the feild of Sterviling and of a generale remissioun to thaim.
,, 6		Of wardanis Justicis and uthir officiaris quhilkis were in feild at Sterviling agane oure soverane lord—to be secludit and suspendit fra the saidis officis.
,, 7		Anent the entre of the aieris of thame that deit in the feild agane our Soverane lord.
,, 8		Anent the furth putting of Justice throw all the realme.
,, 9		Anent the stanching of thift reff and uthiris innormitez.
	1488.	
,, 10	Cap. 1	Anent the replegeing of the inhabitantis of burrowis fra the Justicis.
,, 11	,, 2	Anent the cunye and bulyoun.
,, 12	,, 3	That all schippis cum to fre burrowis.
,, 13		Anent clerkis quhilkis purchessis beneficis in the court of Rome quhilkis wes never thairat of befor.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1488. Oct. 6.	1488.	
Cap. 14	Cap. 4	Anent clerkis that purchessis beneficez in the court of Rome of the quhilkis the presentacioun pertenis to his hienes the sege vacand.
,, 15		Of the debaite and cause of the feild of Stervilin in the quhilk umquhile James king of Scotlande happinit to be slane and the caus and occasioun tharof.
,, 16		Of cruffis and fisch dammys.
,, 17		Of the keping of the castell of Edinburgh and governance of my lord James duk of Ros.
,, 18		That the castell of Dunbar be distroyit.
,, 19	,, 5	Revocacion of alienacionis of giftis and privilegis grantit sen the secund day of Februar last by past be our soverane lordis faidir.
,, 20	,, 6	Anent the aieris of lordis baronis and uthir landit men that war with oure soverane lord that now is in the feild of Sterviling.
1488. Jan. 14.		Parliamentum Apud Edinburgh.
Cap. 1		Of the cunye and inbringing of bulyone.
,, 3		Anent the barell of salmond and the pakking and mesure of the samyn.
1489. June 26.		Parliamentum Apud Edinburgh.
Cap. 1		Of halykirk.
,, 2		Of the ansuer to the king of Ingland apon the letteris brocht fra him.
,, 3		Anent the sending to the king of France for the renewing of the confideracioun.
,, 4		Anent the sending to the king of Denmark for the renewing of the aliancez.
,, 5		Tuiching the takin of cawpis usit be heddis of kyn in Galloway.
,, 6		Anent the wardane of the west and middill merchis.
,, 7		Tuiching the assegeing of the castellis that are halding contrare our soverane lord.
,, 8		Of the lordis to be chosin and be of consale to our soverane lord.
,, 9		Of the money.
,, 10		Anent the byaris and sellaris of gold and silver cunyeit.
,, 11		Of a proclamation to be maid that nane anherd with rebellis.
1489. Feb. 3.	1489.	Parliamentum Apud Edinburgh.
Cap. 1	Cap. 7	Of haly kirk.
,, 2		Of the Justice airis.
,, 3	,, 8	Of frendschip and concord to be maid amangis all our soverane lordis liegis.
,, 4	,, 9	Anent the inbrynging of the taxt grantit in Parliament.
,, 5		Tuiching the renewing of the confideracioun and aliancez of France and elekwise with Denmark and Espanye.
,, 6		Of an ambaziat to the king of Denmark.
,, 7	,, 10	Of the kingis properte and the annullacioun of all giftis donacions &c. sen the day of his Coronacioun.
,, 8		Anent the sustentacioun and governance of the Duk of Ros and erle of Mer.
,, 9	,, 11	Tuiching the observacioun of the treux takin with the king of Ingland.
,, 10		Appoyntement of auditouris of our sovercne lordis comptis.
,, 11		Electioun of certane lordis to be oure soverane lordis secrett consale.
,, 12	,, 12	Of the autorite of the said Consale.
,, 13	,, 13	Of goldsmythis quhilkis makkis fals mixtouris of ewill metale.
,, 14	,, 14	Anent the act of saling of merchandis and anent the inbringing of bulyoune.
,, 15		Anent the act maid on the feriaris quhilkis takis double frauchte.
,, 16	,, 15	Anent cruvis and fisch yardis.
,, 17	,, 16	Concernyng the fre tennentis that haldis of the prince duk of Rothissay and stewart of Scotland.
,, 18	,, 17	Anent the money.
,, 19	,, 18	The taking of cawpis be the heddis of kyn in Galloway to be sessit.
,, 20	,, 19	Tuiching the cawpis taking in Carrick.
,, 21	,, 20	Anent the proces of the recovering of annuale rentis in burrowis.
,, 22	,, 21	Aganis thaim that compellis the kingis tennentis to do thaim ony maner of service.
,, 25	,, 22	Anent the act annulling alienacions of landis &c. be our soverane lordis faidir.
,, 26		The remit of thame that tuk parte with Robert lord Lile and Matho Stewart in the halding of the castell of Dunbertane.
,, 27		Of the sitting of the lordis Auditouris of complantis with the lordis of Consale.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
		Parliamentum Apud Edinburgh.
1491. Apr. 28.	1491.	
Cap. 1		Of the fredommez of haly kirk.
,, 2	Cap. 23	Of the aliancez and confederacions betuix the realmez of France and Scotland.
,, 3		Of our soverane lordis mariage.
,, 4		Of an ambaxiate to the king of Denmark.
,, 5	,, 24	Of the brevez of the Chancellary.
,, 8	,, 27	Anent finding of lawborrois.
,, 9	,, 28	Of the pursuit of slaaris and demembraris.
,, 10	,, 29	Of Justice airis to be set and haldin twis in the yere.
,, 11	,, 30	Anent the execucioun of decrettis for the costis and scaithis of partiis.
,, 12	,, 37	Anent thame that refuse to tak gold that is crakkit.
,, 13	,, 31 ,, 32	Of wapynschawingis foure tymes in the yere.
,, 14		Of dais of meting on the bordouris for the keping of the trewis.
,, 15	,, 33	Of the statutis of mettis and mesuris.
,, 16		Of the sitting of the sessiounis.
,, 17	,, 34	Anent legis and bandis and convocacioun of commonis in burrowis.
,, 18	,, 35	Anent the breif and summondis of errour.
,, 19	,, 36	Of the commoun gud of all burrowis. In part, namely : From "And Inquisicioune" to the end.
,, 20		Anent the proclaming of thir actis and statutis.
		Parliamentum Apud Edinburgh.
Feb. 6.		
Cap. 1		Anent oure soverane lordis mariage.
,, 2		Anent the tressour that our soverane lordis faider haid the tyme of his deces.
,, 3		Of the personis that slew our soverane lordis faidir.
,, 4		Of the dew execucioun of the actis for the administracioun of Justice.
		Parliamentum Apud Edinburgh.
1493. Maii 8.		
Cap. 1		Anent the libertie and fredom of haliekirk.
,, 2		Anent the privilegeis grantit be papis to our soverane lordis predecessouris.
	1493.	
,, 3	Cap. 38	Anent the beneficis quhilkis passis now to the court of Rome that war of befoir disponit in the realme be electiounis.
4		Anent the privilege tuiching the dispositioun and promotioun of all benefices elective.
,, 5		Anent the privilege That na legat salbe ressavit within the realme bot gif he be ane Cardinall or native born of the realme.
,, 6		Indult grantit perpetuallie to the Segis of Sanctandrois and Glasgw to confirme the electiounis of all abbaceis.
,, 7		Anent the pley now dependand in the court of Rome betuix the bischopis of Sanctandrois and Glasgw.
,, 8		Anent all uthirs pleyis in the court of Rome upone causis beneficiall.
,, 9	,, 39	Anent taxationis of benefices eftir the auld taxation contenit in the buke of Bagimontis taxt.
,, 10	,, 40	Anent the refusing of the money for crakis and flawis being in it.
,, 11		Of a commissioun to end and conclude our soverane lordis mariage.
,, 12	,, 41	Anent the defraude done to our soverane lord in his custumis be strangearis.
,, 13	,, 42	Anent the craftismen of burrowis that takis taxatioun penny of men of the samin craft cummand to the merket.
,, 14	,, 43	Anent the using of dekynnis of men of craft in burrowis And als anent men of craft that statutis to have fee for the haly day.
,, 15	,, 44	Anent the taking of multur of the floure that cumis furth of uther landis to burrowis.
,, 16	,, 45	Of the execucioun of all statutis quhilkis hes in the end of thame the pane of dittay.
,, 17	,, 46 ,, 47	Of the taxatiounis to be takin be custumaris within the burgh.
,, 18	,, 48	Anent settaris of mureburn.
,, 19		Anent the distroying of heron sewis.
,, 20	,, 49	Anent schippis and buschis for fischeing.
,, 21	,, 50	Of donatiounis and infeftmentis maid be our soverane lord that last decessit.
,, 22	,, 51	The kingis Revocatioun of alienatiounis donatiounis &c.
,, 23 ,, 24	,, 52	Anent the barelling of Salmond of the auld bind of Abirdene. Anent the schippis and makin of fische at the west coist.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1496. June 13.		Parliamentum Apud Edinburgh.
Cap. 1		Of the libertie and fredome of haly kirk.
	1494.	
,, 2	Cap. 53	Anent the impetratioun and purchessing at the court of Rome benefices elective and utheris.
,, 3	,, 54	That all barronis and frehaldaris of substance put thair eldest sonis and airis to the sculis.
,, 4	,, 55	Of the maister of the money and of cunye—and the inbringing of the bulyeoun.
,, 5	,, 56	Of the prices maid upone all maner of stuffe wrocht be ony maner of werkman.
,, 6	,, 57	Anent summondis of errour or Inordinat proces.
1503. Mar. 11.	1503.	Parliamentum Apud Edinburgh.
Vol. II., p. 240. Cap. 1	Cap. 100	Revocation of donationis statutis and all uthir thingis hurtand the croune or halikirk.
		Of the fredome of halykirk.
,, 2	,, 58	Of ane consale to be chosin be the king quhilk sall sitt continually.
,, 3	,, 59	Of Justices and schireffis depute for the Ilis.
,, 4	,, 60	Of the Justice airis for Ergile and uthir pairtis.
,, 5	,, 61	Of the Justice airis for the schirefdomis of Ros and Cathnes.
,, 6	,, 62	Of remissionis.
,, 7	,, 63	Aganis remissionis for slauchter upon forthoct fellony.
,, 8	,, 64	Of fals notaris.
,, 9	,, 65	Anent recent spulye. In part, namely: The words "apoune xv dais" and from "sa that he mak" to "xxj dais."
,, 10	,, 66	Anent the expensis of schireffis for the executioun of thair office in the distrenyeing of personis for dettis.
,, 11	,, 67	Of the expensis of proces led befoir schireffis and uthir officiaris.
,, 12	,, 68	For the halding of money within the realme.
,, 13	,, 69	Anent stelaris of pikis out of stankis breikaris of dowcatis, &c.
,, 14	,, 70	Anent beggaris,
,, 15		Anent buschis and schippis to be maid for fisching.
,, 16	,, 71	Anent the unlaw of gren wod—and the unlaw of murburn.
,, 17	,, 72	Anent the slauchter of red fische in forbodin tyme.
,, 18	,, 73	Anent the divisioun of schirefdomes.
,, 19	,, 74	Anent policy to be haldin in the cuntre.
,, 20	,, 75	Of wappinschawis.
,, 23	,, 78	Of presens in the Parliament.
,, 24	,, 79	That all the liegis be reulit be the lawis of the realme.
,, 25	,, 80	Of all officiaris haifand office of Jurisdictioun within burgh.
,, 26	,, 81	Of Jurisdictioun amang merchandis in partis beyond sey.
,, 27	,, 82	Of the conservatour of Scotland.
,, 28	,, 83	Anent faris haldin apon halidais or within kirkis or kirk yardis.
,, 29	,, 84	Anent the privilegis and fredomes of merchandis and burrowis.
,, 30	,, 85	That the commissaris of burrowis be warnyt quhen taxtis ar gevin.
,, 31	,, 86	Of the making of burgessis or gilde brethir.
,, 32		Of the execucioun of the act anent salaris.
,, 33	,, 87	Aganis ligis or bandis within burghis.
,, 34	,, 88	That na man hous woll hydis nor skynnis in places outwith fre burrowis.
,, 35	,, 89	Anent the gevin of sesing be preceptis of oure soverane lordis chapell.
,, 36	,, 90	Anent the setting of oure soverane lordis propir landis in fewferme.
,, 37	,, 91	Anent the setting of landis in fewferme be baronis and frehaldaris.
,, 38	,, 92	Of malt makaris in burrow touns.
,, 39	,, 93	Of the Jurisdictoun of landis lyand in sindry schirefdomez.
,, 40	,, 94	Anent the proponing of exceptions again the brief of inqueste.
,, 41	,, 95	Anent the proces of the breve of rycht and othir brevis pledabill.
,, 42	,, 96	Of mesouris and wechtis.
,, 43		Anent the hamebringin of bulyeon.
,, 44	,, 97	Anent money othir crakit or flawit.
,, 46	,, 99	Anent the wordis of falsing of dumys.
1504. Jun. 4.		Parliamentum Apud Edinburgh.
Cap. 5		Anent the divisioun or unioun of schirefdomez.
,, 8		Mortification of xx merkis to ane chaplane to sing in the chapell of Halirudehouse.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
		Parliamentum Apud Edinburgh.
1509. Maii 8.	1509.	
Cap. 1		Of the fredomes of halie kirk.
,, 2	Cap. 101	Anent the Division of schirefdomes.
		JAMES V.
		Parliamentum Apud Edinburgh.
1515. July 12.	1515.	
Cap. 1	Cap. 1	Of halie kirk.
,, 2	,, 2	For stanching of the cryme of thift and stouthreif.
		Parliamentum Apud Edinburgh.
1522. July 24.	1522.	
Cap. 1	Cap. 3	Anent the waird releifis and mariageis of ony man slane in oist or army aganis our auld inimeis of Ingland.
,, 2	,, 4	Anent the takkis or steidingis of tennentis slane be Inglismen in our soverane lordis armie.
		Parliamentum Apud Edinburgh.
1524. Nov. 14.		
Cap. 1		Of the halikirk.
,, 2		Tuiching the expiry of the office of tutory and governance of Jhone Duke of Albany.
,, 3		Appointement of the quenis grace to haif the keping and reule of the kingis persone.
,, 4		Anent the dispositioun of wardis mariagis and all utheris the kingis casualiteis.
,, 5		Of our soverane lordis secret counsale.
,, 6		Of the granting ane commission to the ambaxatours that now are to pas in Ingland.
,, 7		Of the sessioun.
,, 8		Of the administratioun of Justice in crimynale actiouns.
,, 9		Anent stanching of thift.
,, 10		Of the cunye.
,, 11		Anent the inbringing of our soverane lordis propirtie.
,, 12		Anent the kingis propir landis sett in fewferms and assedatioun for xix yeris and utheris lang termes be Jhone Duke of Albany.
,, 13		Anent remissioun for slauchtir.
		Parliamentum Apud Edinburgh.
1524. Feb. 15.		
Cap. 1		Anent the Secret Counsale.
,, 2		Anent the removing of the kyng.
,, 3		Anent the dispositioun of beneficez.
,, 4		Anent the sure keping of the king.
,, 5		Anent the giding of the realme.
,, 6		Anent the reule of the bordouris.
,, 7		Anent the taking of gudis in Ingland.
,, 8		Anent the taking of salt out of the realme.
,, 9		Anent the keping of the selis.
,, 10		Anent the kingis propirtie.
,, 11		Tuiching the capitane of the castell of Edinburgh.
,, 12		Annullatioun of all proces of tressoun aganis James Erle of Mortoun and utheris.
		Parliamentum Apud Edinburgh.
1525. July 6.		
Cap. 1		Of the fredom of halikirk.
,, 2		Of the Actis maid aganis thaim purchessand benefice at the court of Rome.
,, 3		That na faith be gevin ony writing under ane sele without subscriptioun.
,, 4		Anent the dampnable opunyeouns of heresy.
,, 5		That the lordis havand the kingis auctoritie sall nocht use the samin bot be all the lordis togidder or the maist part of thaim.
,, 6		Anent the kingis letteris to be gevin aganis thame that lyis under the sentence of cursing for the space of xl dais.
,, 7		Of ane commissioun for treting of pece with Ingland.
,, 8		Anent the processis of Justice airis and Justice courtis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1525. July 6.		
		Anent thame that lay wachis and besett gaitis for the slauchtir and invasioun of the persouns that thai has inemytie aganis.
Cap. 10		Of the committaris of the crymes of fire rasing and revesing of wemen.
		Ratificatioun of giftis actis &c. done be the lordis of Secret Counsale in absence of the Quenis grace.
1526. Jun. 12.		Parliamentum Apud Edinburgh.
Cap. 1		Of halikirk.
„ 2		Declaracioun that the Kingis auctoritie riale is in his awn handis.
„ 6		The lordis to be of the Kingis Counsale and of his Secret Counsale.
„ 7		Ratificatioun of all giftis respectis remissiouns and all uthir actis maid be his hienis sen his age of xiiij yeris.
„ 9		Anent the gyding of the Kingis persone.
„ 10		Revocatioun of all giftis &c. of the Kingis propirtie sen the deceis of his fader.
„ 11		Anent the cours of money bringing hame of bulyeoun and the having furth the gold of the mynd.
„ 12		Anent the auld actis aganis thame that dois contrar the Kingis privilege grantit to his predecessouris and successouris be the sege of Rome.
„ 13		Anent the mariage of our Soverane Lord.
„ 14		Anent the keping of the auld Actis of Parliament that ar penale.
„ 15		Anent the gudis of persouns that deis within age.
„ 16		Anent the ressaving of Legatis or Legatioun in this realm.
„ 17		Of remeid aganis thaim that under traist with dissait committis slauchteris, &c.
1526. Nov. 12.		Parliamentum Apud Edinburgh.
Cap. 1		Of the fredome of haly kirk—with addicioun.
„ 2		Anent the selling of breid within the toune of Edinburgh.
„ 3		Anent the selling of flesche in the toune of Edinburgh.
„ 4		Anent the carying of talloune furth of the realme.
„ 5		Anent fals money or counterfetis.
„ 7		Of Justice airis to be haldin universalie.
„ 8		Anent the oppressioune committet be the malt makiris of Leth.
„ 9		Of conservatioune of the kingis previlege and how thai salbe punist that brekis the samyn.
	1528.	
„ 10	Cap. 8	Of slauchteris murthouris and byrningis.
1528. Sept. 2.		Parliamentum Apud Edinburgh.
Cap. 1	„ 5	Anent the making of arrestmentis be crowneris.
„ 2	„ 6	Barounis and frehaldaris to ansuer in Justice aris for the men duelland upoun thair awine landis.
„ 3	„ 7	Anent actiounis for assithement.
1532. Maii 13.		Parliamentum Apud Edinburgh.
Cap. 1		Of the auctorite liberte and fredome of the sete of Rome and halikirk.
	1537.	
„ 2	Cap. 36–41	Concerning the ordour of Justice and the institutioun of ane collège of cunning and wise men for the administracioun of Justice. In part, namely : The words "baith of Spirituale and temporale estate," from "to the nowmer" to "half temporall," the words "in this present parliament," from "and nane utheris" to "sitt quhill lammes," the word "thir" where it secondly occurs thereafter, the word "underwritten," and from "Providing alwayis" to the end.
„ 3		Anent the keping of money within the realme.
1535. Jun. 7.		Parliamentum Apud Edinburgh.
Cap. 1		Libertie of halikirk.
„ 2		Aganis heretikis—for eschewing of heresy within this realme and the panis thareof.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1535. June 7.	1535.	
Cap. 3	Cap. 9	Aganis thame that sustenis the processe of cursing be the space of xl dais.
,, 4		For ane generale provinciale consale to be had.
,, 5		Taxt granted to the kingis grace.
,, 6		The mater of money and cunye.
,, 7	,, 10	Off planting of woddis forestis and orchartis.
,, 8	,, 11	The panis of the distroyaris of woddis and thaim that makis mureburn in forbodin tyme.
,, 9	,, 12	For keping of forestis.
,, 10		For slauchter of dais &c.
,, 11	,, 13	Off brekaris of dowkatis yardis cunygaris parkis and stankis.
,, 12		Off brekaris of yardis and orchartis.
,, 13	,, 14	Of slaying of haris in forbodin tyme.
,, 15		Anent ane contributioun grantit to the kingis grace be the thre Estatis.
,, 16	,, 16	Off red fische smoltis and slaying of salmond in forbodin tyme.
,, 17	,, 17	Off cruvis and yaris.
,, 18		Of buschis for fisching.
,, 19		Of wapinschawingis.
,, 20		Hagbutis and utheris small artalyery to be furnest within the realme.
,, 21		That merchandis bring hame hagbutis culveringis calmes powder and hernes.
,, 22		For bigging of strenthis on the bordouris.
,, 23	,, 18	Provisioun for ostillaris and travellaris throw the cuntre.
,, 24	,, 19	That na man by Inglis hors or bartour for thame and that all man havand stude places gar plenys the samyn.
,, 25	,, 20	That na man sell nolt schepe &c. to Inglismen nor send vittalis fische or salt in Ingland.
,, 26	,, 21	Off forstallaris.
,, 27		For imbringing of the kingis grace propirtie and casualite.
,, 28		For slauchter with additioun.
,, 29	,, 22	For the stanching of maisterfull beggaris with additioun.
,, 30	,, 23	The remeid for delivering of them that fleis to girth.
,, 31		The privelegis of burrowis.
,, 32	,, 24	Anentis merchandis that salis incontrar the actis maid of before.
,, 33	,, 25	That na schip sale with stable gudis fra Symonis day and Jude quhill candilmes.
,, 34	,, 31	That na man sale in Flandris bot twise in the yeir.
,, 35	,, 26	Off chesing of officiaris in burgh and bringing of thare comptis of thare commoun gudis yerelie to the chekker.
,, 36	,, 27	That na man truble or molest the provest ballies aldermen officiaris and otheris induellaris in the burgh.
,, 37		That my lord chancellar within ane certane of lordis quham plesis the kingis grace to depute with him sitt wolkly ane day to trete on materis concernyng the commoun wele.
,, 39	,, 33 ,, 34 ,, 35	That Justice aris and proces be peremptoure at the secund court and how crownaris sall mak thair arrestment and that gret crymes be callit at perticuler diettis with the panis of thame that complenis wranguislie.
,, 40		For eschewing of thift stouth and reiff.
,, 41	,, 28	That na man ryde bot in sobir maner.
,, 42	,, 29	For maltmakaris.
,, 43	,, 30	Of craftismen browstaris sellaris of salt and vittale within burgh.
1540. Dec. 3.	1540.	Parliamentum Apud Edinburgh.
Cap. 1	Cap. 69	Deliverance anent ane summondis of tresoun aganis ane persoun that is deid.
,, 2		Ratification and pronunciacioun of the actis of the last parliament.
	1535.	
,, 3	Cap. 36	Addicioun to the act of cursing.
	1540.	
,, 4	Cap. 70	The kingis grace revocacioun.
,, 5		Off fredome of halikirk.
,, 6	,, 71	That the schireffis and utheris officiaris be present personalie at the thre heid courtis.
,, 7	,, 72	Off setting of temporale courtis.
,, 8	,, 73	Off deputis to schireffis and uthir officiaris.
,, 9	,, 74	Anent Indorsing of letters.
,, 11	,, 76	Off electioun of Notaris.
,, 12	,, 77	Off geving of sesingis.
,, 13	,, 78	Off admission of Notaris.
,, 14	,, 79	That the prothogollis of all sesingis be presentit yerlie to the chekker.
,, 15	,, 80	Off fals notaris and witnessis.

Record Edition.	12mo Edition	Title of Enactment and Extent of Repeal.
1540.	1540.	
Dec. 3.		
Cap. 16	Cap. 81	Off notaris ordinare in schireff courtis or utherwyis.
„ 17	„ 82	Off commissionis gevin in prejudice of the ordiner.
„ 18	„ 83	Off lesing makaris.
„ 20		For ordouring of processis of forfaltouris.
„ 21	„ 85	Wapynschawing is to be twise in the yeir.
„ 22	„ 86	That the army of Scotland be unhorsit except greit baronis.
„ 23	„ 87	The manere of harnes wapnis and armoure.
„ 24	„ 88	Off armour conforme to every mannis rent and substance.
„ 25	„ 89	That all personis present in wapinschawingis be writtin with the maner of thair armour.
„ 26	„ 90	The premunitioun of wapinschawingis.
„ 27	„ 91	Off chesing of capitanis in every parrochyne.
„ 28	„ 92	Generale remissioun grantit be the kingis grace to all his liegis.
1540.		Parliamentum Apud Edinburgh.
Mar. 14.		
Cap. 1		For honour of the haly sacramentis.
„ 2		For worschip to be had to the Virgin Mary.
„ 3		That na man argun the papis auctorite.
„ 4		For reforming of kirkis and kirkmen.
„ 5		That na private conventionis be maid to desput on the scriptour.
„ 6		Of personis abjurit of heresy.
„ 7		Of fugitivis suspect and summond for heresy.
„ 8		Reward of thame that revelis conventionis and accusis heretikis.
„ 9		That nane dishonour imagis of sanctis.
„ 10	„ 93	Ratificatioun of the institutioun of the college of justice. In part, namely : From "And als ratifyis" to "pape and his hienes."
„ 11	„ 94	Hagbutis and uthir small artelyerie to be furnist within the realme.
„ 12	„ 95	For hamebringing of hagbutis culveringis pulder and harnesses.
„ 13	„ 96	For inbringing of the kingis grace propirtie and casualiteis.
„ 14	„ 97	Anentis committaris of slauchter mutilatioun and resetting of the kingis rebellis.
„ 15		For stanching of thift stouth and reiff.
„ 16	„ 98	For eschewing of derth of wittalis flesche and fische.
„ 17	„ 99	Tuiching the croun of wecht.
„ 18	„ 100	For stanching of derth and prices of wyne salt and tymmer.
„ 19	„ 101	Tuiching the hospitalis.
„ 24	„ 106	Remeid againis thame that lyis out and will not entir to thair landis in fraud of thare creditouris.
„ 25		Anentis privilege of burrowis.
„ 26	„ 107	Off pakking and peling.
„ 27	„ 108	Anentis furth having of money of the realme.
„ 28	„ 109	Off mesouris.
„ 29	„ 110	Off the pane of thame that tynis the pley.
„ 30	„ 111	Anentis conductioun of craftismen.
„ 31	„ 112	Anentis drawaris of claith.
„ 32	„ 113	Anentis forstallaris.
„ 33	„ 114	Anentis wechtis.
„ 35	„ 116	Dissolucion of the unioun for setting of fewis.
„ 38	„ 118	Anentis birning of cornis rasing of fyre and revesing of women.
„ 39	„ 119	Anentis thame that brekis or passis contrar the kingis grace privilegis grantit to him by the sete of Rome.
„ 40	„ 120	The nerrest of the kyn to have the gudis of thaim that deis untestit without prejudice of the cote.
„ 44	„ 123	Off talloun.
„ 45	„ 124	Off thaim that counterfetis the kingis money.
„ 46	„ 125	Anentis thame that takis placis of bischoppis or abbotis eftir thare deceis.
„ 47	„ 127	For prenting of the actis of Parliament.
		MARY.
1542.		Parliamentum apud Edinburgh.
Mar. 12.		
Cap. 1		Declaratioun tuiching James erle of Arrane lord hamiltoun secund persoun of this realme and tutour lauchfull to the quenis grace and governour of this realme.
„ 2		Ratificatioun of the aiths gevin to the lord governour.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1542. Mar. 12. Cap. 3		Tuiching the depesche of the ambassatouris to the king of Ingland for contracting of peise and marriage.
,, 4		Of ane testimoniale to be made of the tua actis anentis my lord governour.
,, 7		The namis of the lordis to be upoun my lord governour's secrete counsale.
,, 8		The lordis nemmit for keping of the quenis grace.
,, 9		Anentis the place quhar the quenis grace sall remane.
,, 10		Additioun to the actis intitulate of personis abjurit of heresy.
,, 11		Additioun to the act intitulate of the fugitevis suspect & summond of heresy.
,, 12		Anent haifing the haly write baith the new testament and the auld in the vulgar toung.
,, 13		Of actiounis of tresoun againis the aris of persounis deceesit.
	1542.	
Vol. II., p. 424.*	Cap. 1	Ratification of ane act be the lordis of counsale tuiching the passing of all signettouris.
		Parliamentum apud Edinburgh.
1543. Dec. 3. Cap. 1		Act in favouris of thame that come to Striveling & Linlithgw for furth bringing of the quenis grace to the palice of the samyn.
,, 2		Declaratioun of the expiry of the pece & contract of meriage laitlie maid with the king of Ingland.
,, 3		Anent the renewal of the ancient considerationis of amite with the kingis of France.
,, 4		Anent ane gret consale to be chosyn to tret the gret materis of the realm.
,, 6		Againis heretikis & thair dampnable opinionis incontra the fayth and lawis of haly kirk.
	1543.	
,, 7	Cap. 1	Ratificatioun of the institutioun of the College of Justice.
,, 8		Certane Acts befor writtin red publist and pronuncit.
		Parliamentum apud Lynlythgw.
1545. Sept. 28. Cap. 1		Of thame that sittis under assurance of the king of Ingland now in tyme of weir.
,, 2		Anent the laying of gerneissons in the bordouris.
,, 3		Of ane taxt of sixtene thowsand pund for the furnessing of horsmen.
,, 4-5		Anentis the dividing laying & ordouring of the horsmen apoun the bordouris.
,, 6		Anent payment of the restis of the last taxt of xxvi. m. li.
,, 7		Tuiching the lordis that tuik upoun thame the keiping of our soverane ladeis persoun.
,, 8		Anent the inbringin of the taxt.
		Parliamentum apud Edinburgh.
1546. July 31. Cap. 9		Ratificatioun of the act anentis the taking of spirituale men thair houssis and places.
,, 10		Grant be the clergy of ane taxt for the siege of the Castell of Sanctandrois.
,, 11		Anent the acceptance of the comprehensioun maid for this realm in the contract of pece betuix the king of France & the king of England.
,, 12		Tuiching my lord Governouris eldest sone withaldin in the castell of Sanctandrois.
	1546.	
,, 13	Cap. 3	Ratificatioun of the act anentis the laying furth of tennentis be thair oure lordis.
,, 14		Ratificatioun of the actis of dissolution of the meriage be the lordis that consentit not to the samyn in the first parliament.
,, 15		Anent the ingetting of the contributioun grantit to the sete of sessioun.
1551.	1551.	Parliamentum apud Edinburgh.
May 29. Cap. 1	Cap. 7	Anent thame that wilfullie incurris the panis of cursing and lyis thairin be the space of ane yeir or ressaifes halie Sacrament under the said cursing.
,, 2	,, 8	Anent tratouris banist or fugitive without license respect remissioun or supersedere that cummis and resortis agane within this Realme.
,, 3	,, 9	Anentis thame that schutis with gunnis at deir and wylde foulis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1551.	1551.	Parliamentum apud Edinburgh.
Feb. 1.		
Cap. 1	Cap. 11	For suppressing of derth of vivers and wynis.
,, 2	,, 12	Anent the execution of the act maid upone the prices of all wylde foulis & tame foulis.
,, 3	,, 13	The articles & punctis concludit upone assurit Scottismen with Ingland.
,, 4	,, 14	The secund article upone assurit persounis.
,, 5	,, 15	The third article upone assurit persounis.
,, 7	,, 16	Anent aithis sweiring execratiounis & blasphematioun of the name of God.
,, 8	,, 17	Aganis persounis quhilkis makis perturbatioun in the kirk the tyme of devine service.
,, 9	,, 18	Anent persounis knawand thame selfis under the proces of cursing that enteris the kirk in the time of devine service.
,, 10		Anent persounis under proces of cursin that compellis kirkmen to say messe in thair presence.
,, 12	,, 20	Anent oppin and incorrigibill adulteraris.
,, 13		Anent the derth rasit in this realme be malt makaris.
,, 14	,, 21	Anent ferryaris.
,, 15		Anent the slauchter of lambis lapronis and young poutis.
,, 16		Ratificatioun of the actis for stanching of beggars with additioun.
,, 17	,, 22	Ratificatioun of the actis aganis fals notaris with additioun.
,, 18	,, 23	Anent the exhorbitant prices rasit be craftismen.
,, 19	,, 24	For executioun of the act concerning notaries with additioun.
,, 20		Anent the slaying of hairis in forbodin tyme.
,, 21		Anent thame that slais dais or rais.
,, 22	,, 25	Anentis the eschewing of derth & the ordouring of everie mannis hous in his coursis and discheis of meit.
,, 23		Anentis paking and peling.
,, 24		Aganis regrataris & foirstellaris of mercatis.
,, 25		Anent the having of quhite fische furth of the realme.
,, 26	,, 27	That prentaris prent na bukis without ane license.
,, 27		Of letters to the maist Christian King in favouris of Monsieur D'Osel his ambaxatour.
,, 28		Ratificatioun of the contract maid betuix my Lord Governour & Schir James Hammiltoun of Craufurde Johne knycht.
,, 29		Ratificatioun of the act maid betuix the quenis grace mother to our soverane lady & my lord Governouris grace.
,, 30	,, 10	Act of Registratioun in the bukis of Counsall of certane articlis.
1555.	1555.	Parliamentum apud Edinburgh.
June 20.		
Cap. 1		Of the freedome of halie kirk.
,, 2	Cap. 29	Anent the making & delivering of reversiounis.
,, 4	,, 31	Anent the additioun maid to the act of slauchters.
,, 5	,, 32	Anent proces to be had aganis persounis passand furth of the realme.
,, 6	,, 33	The ordour for summoning of parteis to compeir befoir the justice or uthers jugeis. In part, namely : From " thairefter oppin proclamatioun " to the end.
,, 7	,, 34	Anent the giving of sessingis.
,, 9	,, 36	Anent the eitting of flesche in lentrene & uthers dayis forbiddin.
,, 10	,, 37	Anent reversiounis for redemption & outquyting of landis.
,, 11	,, 38	Anent resignatiounis of lordis ad perpetuam remanentiam.
,, 13		Anent the punischement of slauchters daylie committit of parteis persewand & defendand thair actiounis.
,, 14	,, 40	Anent the having of victuallis talloun or flesche furth of the realme.
,, 15	,, 41	Anent the cumming to the bar for defence or persute in criminall causis.
,, 16	,, 42	Anent the ressaving of nulliteis be way of exceptiounis or replyis. In part, namely : From " Proudying alwayis " to end.
,, 17	,, 43	Anent liggis & bandis of manrent and mantenance.
,, 18	,, 43	Anent the admissioun of notaris, the examining and marking of their protocoll bukis and the geving of instrumentis be notaris.
,, 19	,, 45	Anent the carrying of woll or uther stapill gudis customabill furth of this realme.
,, 20		Anent the making of an universall wecht & ane universall mesoure.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1555.	1555.	
June 20.		
Cap. 21	Cap. 46	Anent the giving of sesingis upone preceptis that passis not furth of the chancellarie.
„ 22	„ 47	Anent the punischement of fals witnes.
„ 24	„ 49	Ratificatioun of the priviligeis & actis of Parliament in favouris of burrowis.
„ 25	„ 51	Anent the execution of the actis maid for the stanching of the slaying of wylde foulis and wylde beistis with additioun. In part, namely: To "this additioun," from "and that na pertrik" to "Michaelmes," and from "and x pund" to the end.
„ 26	„ 52	Anent the dischargeing of dekinnis of craftis & for chesing of visitouris.
„ 27	„ 53	Anent commoun hie gaittis for passage fra burrowis or cumming thairto.
„ 28	„ 54	Anent the discharge of exactiounis upon the burrowis of the west partis for making of hering.
„ 29	„ 55	Anent the proces upon kirkmen for non payment of their taxtis.
„ 30		Anent the slaaing of lambis.
„ 31		Anent feryaris.
„ 32		Anent the slaaing of poutis.
„ 33		Anentis planting of woddis forrestis orchardis & parkis.
„ 34	„ 56	Anent the fraude done be goldsmythis.
„ 35	„ 57	Anent the dispositioun of wyne salt and tymmer brocht in to the realme.
„ 36	„ 58	Anent the executioun of the actis anentis the steiling of halkis hundis pertrikis dukis & slaughter of dais rais hunting of deir taking of cuningis and foulis.
„ 37	„ 59	Anent the executioun of the act anentis the cumming of schippis to fre burrowis at the west seyis with additioun.
„ 38		Anent the executioun of the act for stanching of maisterfull beggaris.
„ 39	„ 60	Aganis thame that rasis murmuris sclanders & seditioun betuix the liegis of this realme and the maist Christin Kingis liegis.
„ 40	„ 61	Anent the chesing of sic ane personage as Robert Hude Lytill Johne Abbottis of unressonn or Quenis of Maij.
„ 41	„ 28	Registratioun of our Soverane Ladyis revocation subscrivit with hir hienes hand at Fontane Bellew of the date the xxv day of Aprill the yeir of God ane thousand fyve hundreth fyftie fyve yeiris.
		Parliamentum apud Edinburgh.
1557.		
Dec. 14.		
Cap. 1		Anent the ransounis of the commissionaris to pas in France in cais ony of thaim be taikin.
„ 2		Dispositioun of the wairdis mariageis nonentres benefices takkis vacand throuch the deceis of ony of the saidis commissionaris.
„ 3		Supersedere of all actiounis againis the saidis commissionaris.
	1557.	
„ 4	Cap. 62	Anent the finding of cautioun in materis of improbatioun.
„ 5	„ 63	Anent the probatioun of exceptiounis.
„ 6	„ 64	The expensis of pley to be taxt & soumit in the principall decrettis.
		Parliamentum apud Edinburgh.
1558.		
Nov. 29.		
Cap. 1		Approbatioun exoneratioun & discharge of the commissionaris to our soverane lady anentis hir mariage with the Dolphine of France.
„ 2		Exoneratioun & discharge of the saidis commissionaris of thair offices tuiching certane articlis concerning James duke of Chatellarault.
„ 3		Consent of the estatis that hir hienes may honour hir spous the King Dolphine with the crowne matrimoniale.
„ 4		Of the maner & forme of all letteris quhatsumevir that sall pas the seilis during the tyme of the mariage betuix the king and the quene Dolphine.
„ 5		Of the maner and forme of the commissioun to be maid tuiching the crowne matrimoniale.
	1558.	
„ 6	Cap. 65	Anent ane letter of naturalitie to the maist Christin king of France subjectis being or sal happin to be in the realme of Scotland.
„ 7		Anent the expeding of letteris of gift & utheris letteris.
		Parliament apud Edinburgh.
1560.		
Aug. 1.		
Cap. 3		Anent the abolitioun of Idolatrie and of all Acts contrair to the confessioun of fayth publyst in this Parliament.
„ 4		Anent the Abolition of the mess.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1563.	1563.	Parliamentum apud Edinburgh.
June 4.		
Cap. 1	Cap. 67	The Act of Oblivioun.
„ 2		Exceptiounis from the forsaid Act of Oblivioun.
„ 3	„ 68	Ratificatioun of the Act of King James IV. anent cruivis & fische dammis with additioun: In part, namely: From "and for executioun of" to the end.
„ 4	„ 69	Ratificatioun of all actis maid of befoir anentis the carying & away taking of gold & silver furth of this realme—with additioun.
„ 5	„ 70	Ratificatioun of all actis made of befoir tuiching the hamebringing of fals cuinyie within this realme & anentis the makaris & forgearis of fals cuinyie—with additioun.
„ 6		Ratificatioun of the Act for repressing of derth of victuallis—with additioun.
„ 7	„ 71	Anent ane new maner of making of salt.
„ 10	„ 74	Anentis notoure & manifest adulterie.
„ 11	„ 75	Anentis the raising of bandis of men of weir.
„ 12	„ 76	Anentis the uphalding & reparelling of paroche kirkis & kirk yairdis of the samin for buriall of the deid.
„ 13	„ 77	Anent the lauchfull possessouris tennentis & occupyaris of kirk landis & the setting of kirk lands in few or lang takkis for thre yeris next to cum.
„ 14		Anent mesouris & wechtis.
„ 15		Anent the schuting of deir and uther wylde beistis & wylde foulis.
„ 16	„ 78	Dispensatioun with the actis maid of befoir anentis the admissioun of notaris.
„ 18	„ 80	Anent the geving of sesingis.
„ 19	„ 81	Anent resignatiounis be vassallis of thair proprieteis in the superiouris handis ad perpetuam remanentiam.
„ 20	„ 82	Anent the warning of burrowis to conventiounis to conclude upone peaxe or weir or for granting of generall taxatiounis.
„ 21	„ 83	For stancheing and suppressing of tumultis within burrowis.
„ 22	„ 84	Anent the transporting of coillis furth of the realme.
„ 23	„ 85	That beif muttoun veill & lyke bestiall be brocht to mercatis with hydeskin & birne.
„ 24	„ 86	Ratificatioun of actis, statutis, privelegeis & immuniteis grantit in favouris of the burrowis.
„ 25		Anent the abusioun of the letters of marque grantit upon the King of Portingall.
„ 26		Anent ane commissioun to visie the collegeis of Sanctandros & utheris within their realme & to reporte to the nixt parliament.
„ 27		Of an ambassadour to be sende to the King of Demark.
1564.	1564.	Parliamentum apud Edinburgh.
Dec. 15.		
Cap. 1	Cap. 87	Declaratioun of our soverane ladyis lauchfull & perfyte age.
„ 2	„ 88	Anent confirmatiounis of infeftmentis of few-ferme of kirklandis.
1567.		Parliamentum apud Edinburgh.
Apr. 14.		
Cap. 1		The erle of Mar his discharge off the castell of Edinburgh.
	1567.	
„ 2	Cap. 31	Act concerning the Religioun.
„ 7		Act anent the decisioun of materis concerning the law of oblivioun.
„ 8		Anentis the makaris and upsettaris ef plackardes and billis.
		JAMES VI.
1567.		Parliamentum apud Edinburgh.
Dec. 15.		
Cap. 1		Anent the dimissioun of the Crowne in favouris of our Soverane lord and his Majesteis coronatioun.
	1567.	
„ 2	Cap. 1	Anent the constitutioun of James erle of Murray in regent to our Soverane lord his realme and liegis.
„ 3	„ 2	Anent the abolissing of the Pope and his usurpit authoritie.
„ 4	„ 3	Anent the annulling of the actis of Parliament maid agannis Goddis word and mantenance of idolatrie in ony tymes by past.
		The Confessioun of the faith and doctrine belevit and professit be the Protestantis of the Realme of Scotland exhibitit to the estatis of the same in Parliament and by thair public votis authorisit as a doctrine groundit upon the infallibil word of God.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1567. Dec. 15.	1567.	
Cap. 5	Cap. 5	Anent the messe abolischit and punisching of all that heiris or sayis the samin.
„ 6	„ 6	Anent the trew and haly kirk and of thame that ar declarit not to be of the samin.
„ 7	„ 7	Anent the admissioun of thame that sal be presentit to benefices havand cure of ministerie.
„ 9	„ 9	Anentis thame that suld beir publict office heirefter.
„ 10	„ 10	Anent thriddis of benefices grantit in the moneth of December the yeir of God 1561 yeiris for sustening of the Ministeris and uther effairis of the Prince.
„ 11	„ 11	Anent thame that salbe teicheris of the youth in sculis.
„ 12		Anent the jurisdictioun of the kirk. In part, namely: From "And forther" to the end.
„ 13	„ 12	Anent the dispositioun of the provestreis, prebendareis, and chaplanereis to bursaris to be fundit in collegeis.
„ 14	„ 13	Anent the fylthie vice of fornicatioun and punischement of the samin.
„ 15	„ 14	Anent thame that committis incest. In part, namely: The words "to the deith."
„ 17	„ 16	Anent slaying of hart hynde and utheris beistis and foulis with culveringis.
„ 18		Anent the act of Parliament maid of befoir of the declaratioun of our soverane lordis motheris perfyte age.
„ 19		Anent the retention of our soverane lordis motheris person.
„ 20		The declaratioun of Parliament maid to the laird of Lochlevin anent the keiping of the Kingis mother in the house and fortalice of Lochlevin.
„ 21	„ 17	Anent cunye.
„ 23	„ 18	Anent schuiting and beiring of culveringis and daggis.
„ 24	„ 19	Anent fals cunye.
„ 25		Ane commissioun to certaine lordis of the estatis to considder sik articklis as is committit to thame and to report the samin againe in the nixt Parliament.
„ 26	„ 20	Approbatioun of giftis of benefices and pensiounis sen the moneth of August 1560 yeiris grantit and gevin be our soverane lordis mother.
„ 27	„ 21	Anent thift and resset of thift takin of the presonaris be thevis, or bandis for ransounis, and punischement of the samin.
„ 28	„ 22	That na hors be caryit furth of the realme as commoun merchandice.
„ 29		Anent the residence and sitting of the Lordis of Sessioun for administratioun of Justice.
„ 30	„ 23	Anent giftis of escheit.
„ 31	„ 24	Anent priviligeis grantit to kirkmen.
„ 32	„ 25	The ratificatioun of the privilegeis of the barronis.
„ 33	„ 26	Anent the privilege granted to burrows.
„ 34	„ 27	Anent geving of sesingis within burgh.
„ 35		Anent the demolischeing of the castell of Dunbar and fort of Inchkeith.
„ 36	„ 28	Anent the declaratioun to the Commissaris how thay sall proceid in beneficiall materis.
„ 37	„ 29	Anent the dekinnis of maltmen.
„ 38	„ 30	Anent blak fische, cutting of grene wod, and slauchter of smoltis.
„ 39	„ 32	Anent the prenting of the actis maid in this present Parliament and of the act maid in our soveranes grandschiris tyme, anent the raising of fyre and birning.
„ 40	„ 33	Anent the raising of fyre and birning.
1571. Aug. 28.	1571.	Parliamentum apud Striviling.
Cap. 1	Cap. 34	Anent the nomination electioun acceptatioun and approbatioun of my lord of Mar in regent.
„ 2	„ 35	Ratificatioun and approbatioun of the actis and statutis maid of befor anent the fredome and libertie of the trew kirk of God.
„ 3		Ratificatioun of the domes decretis and utheris led and pronuncit in the last parliament haldin at Edinburgh in Maii last bipast.
„ 4	„ 36	Anent alienationis resignationis and utheris maid or to be maid be ony personis convict or that sal happin to be convict of the slauchteris of our Soverane lordis fader or regentis.
„ 5	„ 37	Anent the vassallis and fre tenentis of sic as ar forfaltit in this parliament.
„ 7		Anent the fredome and privelegeis of burrowis.
„ 8	„ 39	Anent alienationis resignationis and utheris dispositionis maid and gevin be ony personis burgessis and inhabitantis of Edinburgh or ony utheris burrowis within this reelme that hes maid defectioun fra the kingis auctoritie.
„ 9	„ 40	That na schippis saill without our Soverane lordis coquet.
„ 10		Anent herauldis masaris pursevantis and utheris officiaris that servit aganis our Soverane lord and his auctoritie.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1571. Aug. 28.	1571.	
Cap. 15		Anent the reformatioun of the chapel riall of Striveling.
„ 18	Cap. 41	Anent kirkmen that happinis to be slane in our soverane lordis service In defence of his hieness auctorite.
„ 19	„ 42	Anent the ward releif and meriage of thame that sal happin to be slane in our Soverane lordis service In defence of his Majesteis auctorite.
„ 20	„ 43	Anent possessiounis.
„ 21		Anent a commissioun for treating with the quenis Majestie of Ingland.
1572. Jan. 26.	1572.	Parliamentum apud Edinburgh.
Cap. 1	Cap. 44	Anent the approbatioun and confirmatioun of the regiment.
„ 2	„ 45	Anent the trew and haly kirk.
„ 3	„ 46	That the adversareis of Christis evangell sall not injoy the patrimonie of the kirk.
„ 4	„ 47	Anent the disobedientis quhilkis salbe ressavit to our Soverane lordis mercy and pardoun.
„ 5	„ 48	The explanatioun of the act maid anent mansis and gleibis. In part, namely: From "And quhair ony personis" to the end.
„ 6		Anent the establisching of the regiment in case at Goddis plesure that charge yit vaik during the kingis majesteis minoritie.
„ 7		Tuiching the recovering and collecting of the kingis Majesteis jowellis and movables.
„ 8	„ 49	Anent the possessouris of benefices pensionis portionis and utheris spirituall rentis lyand at the horne attour the space of yeir and day.
„ 9	„ 50	Approbatioun of the actis and procedingis done in name and be authoritie of our Soverane lord and of the invaliditie of all thingis attemptit in name or be culour of ony uther authoritie sen his hienes coronatioun.
„ 11		Anent the inhabitantis of Edinburgh.
„ 12	„ 51	Anent purchessing of the Papis bullis or giftis of the quene our Soverane lordis mother.
„ 13	„ 52	Ane approbatioun of the act maid anent the dispositioun of benefices to the ministeris of Christis Evangell.
„ 14	„ 53	Anent thame that sustenis the proces of excommunicatioun.
„ 15	„ 54	Anent the reparatioun of the Paroche Kirkis. In part, namely: From "with this additioun" to the end.
1573. Apr. 30.	1573.	Parliamentum apud Halyrudhous.
Cap. 1	Cap. 55	Anent thame that divertis fra utheris being joynit of befoir in lauchfull mariage. In part, namely: From "That than the husband" to "for adherence. And," and from "bot that the sentence" to "anis being pronuncit."
„ 2		Anent the hamebringing of wyne and prices thairof.
„ 3	„ 56	Anent the transporting of salt furth of this realme.
„ 4	„ 57	Anent the measure of salmond and hering barrellis.
„ 5	„ 58	Anent the annuellis to be payit of brunt and demolischit houses and tenementis within the burgh of Edinbugh Cannogait and utheris suburbis thairabout the time of thir lait troublis.
„ 6	„ 59	Anent the transporting of forbiddin gudis out of this realme.
„ 7	„ 60	Anent the slauchter of hering and quhyte fische and using of the samin thairefter.
1578. July 25.	1578.	Parliamentum apud Striviling.
Cap. 1		The declaratioun off the king and estaitis of the fredome of this parliament.
„ 2		The ratificatioun of the acceptatioun of the regiment wpoun the kingis majestie in his awne persoun.
„ 3	Cap. 61	The ratificatioun of the libertie of the trew kirk of God and religioun.
„ 4		The nominatioun and electioun of the kingis majesteis counsall.
„ 5		Anent the visitatioun of the universiteis and collegis.
„ 7	„ 63	Anent the visitatioun of the hospitallis.
„ 12	„ 65	The ratificatioun of ane act maid of befoir anent the alienatioun of landis and dimissioun of benefices be thame that sall happin to be convict or ar of the murtheris of our Soverane lordis fader and of his twa regentes.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1578.	1578.	
July 25.		
Cap. 15	Cap. 67	Ane act anent the careing of flesche furth of this realme in schippis under cullour of victualling.
„ 16		Ane act anent changing of vacance.
„ 17		Ane commissioun to certane noblemen to treat with the lordis of Sessioun upoun the confirmatioun of testamentis and placing of commissaris.
„ 18		Ane uther commissioun to treat upoun the lawes.
„ 19		Anent the policie of the kirk.
„ 23		Ane act maid anent cunyie.
„ 24		Ane act anent the taxatioun of ten thowsand markis to the beting of the brig of Tay.
„ 33		Ane act concerning recognitioun of landis within the burgh remittit to the lordis appointit for viseing of the laws.
1579.	1579.	Parliamentum apud Edinburgh.
Oct. 20.		
Cap. 7	Cap. 69	Anent the jurisdictioun of the kirk. In part, namely : From "And further our Soverane" to the end.
„ 9	„ 71	Anent the youth and utheris beyond sey suspectit to have declinit frome the trew religioun.
„ 10	„ 72	That householdaris have bybillis and psalme buikis.
„ 11	„ 73	For releiff of the laboraris of the ground troublit for want of tymous teynding of thair cornis.
„ 12	„ 74	For punishment of the strang and ydle beggaris and releif of the pure and impotent.
„ 13	„ 75	For punishment of personis that contempnandlie remanis rebellis and at the horne. In part, namely :— To "remeid THAIRFOIR" and from "And that ilk scherref" to the end.
„ 14	„ 76	For remeid of the fraude and disordour usit amangis officiaris of armes in executioun of criminall lettres.
„ 15	„ 77	That the panes of lauburrowis salbe dividit betuix the king and the pairty offendit unto.
„ 17	„ 79	Anent the cheising of inquestis in caussis of perambulatioun.
„ 18	„ 80	Anent the inserting of witnesses in obligationis and writtis of importance. In part, viz. : The words " and seillit."
„ 22	„ 84	Anent the destroyaris of planting hanyng and policie.
„ 23	„ 85	Ratificatioun of the privilegis of burrowis.
„ 24	„ 86	Anent packing peiling forstalling and transporting of hering and quheit fische.
„ 25	„ 87	For executioun of the Act of Parliament maid anent bering wering and schuting of culveringis and daggis.
„ 26	„ 88	For pwnischement of Regrataris and foirst allaris.
„ 27	„ 89	Anent the distructioun of cruvis and yairis slauchter of reid fische and smoltis be wandis or utherwyse.
„ 28	„ 90	Anent the transporting of coillis furth realme.
„ 29	„ 91	For pwnischement of thame that tynis the pley within burgh.
„ 30		Ratificatioun of our soverane lordis revocatioun off feis and pensionis.
„ 31		Anent our soverane lordis counyie.
„ 32		Anent the establischeing of the kingis Majesteis Counsale.
„ 33		Anent the dispositioun of the landis and levingis of the forfaltit personis.
„ 34	„ 96	Anent the Scottis men using the privilegis of this natioun in the law countreis undir the king of Spanis dominionis.
„ 35	„ 97	For avoidance of the great nowmer of fremen sail and in the law cuntreis.
„ 36		Commissioun for taking ordour in certane articlis be the lordis of privie counsale.
„ 38	„ 93	Anent the admissioun of the ordiner lordis of the Sessioun and Reformatioun of certane abuses. In part, namely : From "And in caise that" to the end.
„ 41		Exoneratioun of thingis done in the government of the erle of Murray regent.
„ 45	„ 94	Declaratioun Anent the preving of letteris of hornyng and executiounis thairoff be witnesses. In part, namely : To "sene and considerit," and from "and that but prejudice" to the end.
„ 54		Approbatioun of the act maid anent proceiding in the kingis majesties name.
„ 55		Act in favouris of oure soverane lordis trew and faythfull subjectis quhilkis has constantlie remanit at his hieness obedience.
„ 56		Anent the making of aquavitie.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1579. Oct. 20.	1579.	
Cap. 57		Commissioun to decide the antiquitie and prioritie amangis the burrowis.
,, 58	Cap. 98	For instructioun of the youth in musik.
1581. Oct. 24.	1581.	Parliamentum apud Edinburgh.
Cap. 1	Cap. 99	The ratificatioun of the libertie of the trew kirk of god and religioun with confirmatioun of the lawis and actis maid to that effect of before.
,, 2	,, 100	Anent provisioun of ministeris and certane stipendis for thame at all paroche kirkis and appointing of Commissioneris for ordering thairof. In part, namely : From "And that all kirkis" to the end.
,, 3	,, 101	Againis dilapidationis of rentis of benefices providit to ministeris in title for thair liftymes.
,, 4	,, 102	That ministeris salbe presentit be the kingis majestie and the lawit patronis to all benefices of cuir under prelacyis.
,, 5	,, 103	For punishment of the blasphemy of goddis name and utheris horribill aithis.
,, 6	,, 104	Aganis passing in pilgramage to chapellis wellis and croces and the superstitious observing of diverse uther papisticall rytes.
,, 7	,, 105	The explanatioun of the act tuiching the notoure and manifest committaris of adultarie.
,, 8	,, 106	Aganis fugitivis and utheris papistis practising aganis the trew religioun.
,, 9		Commissioun to certane of everie estait with the kingis majesteis officiaris to treate and conclude on certane articles and supplicatiounis eftir the end of this present parliament.
,, 10	,, 106	Anent the cunyie.
,, 11	,, 107	Ratificatioun of the actis anent the inbringing of bulyeoun.
,, 12	,, 108	Anent the dew payment of the kingis majesteis custumes.
,, 13	,, 109	For the suirtie of thame that assegit houssis be the kingis commissioun in his hines minoritie.
,, 14	,, 110	Aganis the schamefull oppressioun of slaying and hocking of oxin and horses.
,, 15	,, 111	For executioun of the actis maid anent casting doune and halding doun of cruvis and yairis and punischement of the transgressouris thairof slauchter of reid fische and of the fry of all fische.
,, 16	,, 112	Additioun to the actis maid aganis notorious theiffis and soirnaris of clannis.
,, 17		Commissioun for reformatioun of the hospitallis masondewis almoushoussis and beid houssis and reducing thame to thair first institutioun.
,, 18	,, 113	Aganis the excesse of costlie cleithing and transporting of woll quhairby the pure may be the better haldin to werk.
,, 19	,, 114	Aganis superfluus banquetting and the inordinate use of confectouris and droggis.
,, 20	,, 115	Ratificatioun of the Act of Parliament concerning the decisioun of appellationis maid be the court of Rome.
,, 21	,, 116	Aganis the abuse of some landit gentilmen and utheris forbeiring to keep hous at thair awin duelling places.
,, 22	,, 117	Additioun to the Act of lawborrois. In part, namely : To "Innocents Quhair foir" and the words "Lordis of Sessioun or utheris."
,, 23	,, 118	Anent deforcementis breiking of arreistmentis and alienatiouns maid in defraud of creditouris. In part, viz. : To "For Remid quhairof," and from "and siclike for" to the end.
,, 24	,, 119	Anent registratioun of Inhibitionis and Interdictionis.
,, 25	Vol. I., p. 466.	Ratificatioun of the act anent prescriptioun in causis of spuilzeis and ejectionis.
,, 27	,, 120	Anent the cuming of schippis to the burrowis of the west cuntrie.
,, 28	,, 121	Anent the setting of ordoure and price on all stuf.
,, 29	,, 122	Anent the halding of horsis at hard meit be cowparis.
,, 30	,, 123	For executioun of the actis maid aganis schuting with gunnis at wylde beistis and fowlis.
,, 31	,, 124	Aganis the transporting of nolt and scheip forth of the realme.
,, 32	,, 125	Aganis the unlawfull taking of profite be capitanis and keiparis of oure souverane lordis castellis.
,, 33	,, 126	For punishment of the fraudfull mixioun of the wynis be the tavernaris and sellaris thairof and utheris thair abuses.
,, 34		Additioun to the act of disherising of the posteritie of the personis foirfaltit for the murthuris of the king oure soverane lordis father and his twa regentis.
,, 37	,, 128	Anent the proclamatioun of the actis of parliament.
,, 38		Anent the establishing of the kingis majesteis counsale.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1581. Oct. 24.	1581.	
Cap. 39		Ordoure how the kingis majestie salbe releifeit of importune and untymous suitters.
,, 40		Anent the discharging off factoreis.
,, 42		Anent the taxatioun of wardlandis.
,, 65		Ratificatioun grantit to the Lordis of sessioun of thair commissioun for ordour taking with the commissaris.
,, 68		The revocationis of the propertie casualitie with exceptionis furth of the same and first revocatioun of the propertie.
,, 69		The revocatioun of the casualiteis.
,, 70		The revocatioun of the collectorie.
		Parliamentum apud Edinburgh.
1584. Mai. 19. Cap. 1		Anent the libertie of the preching of the trew word of God and administratioun of the Sacramentis.
	1584.	
,, 3	Cap. 130	Anent the auctoritie of the thrie estatis of Parliament.
,, 5	,, 132	Ane Act establissing the forme of jugement anent the depositioun and deprivatioun of ministeris and utheris benefeceit personis fra thair benefices for worthie causis.
,, 7		Ane act ratefeand the declaratour of the kingis majestie and his estatis tueching the tresounable attempt aganis his hienes at Ruthven and concerning the lait rebellion and ayderis thairof.
,, 8	,, 134	Ane act for punishment of the authoris of the slanderous and untrew calumneis spokin aganis the kingis majestie his counsell and procedingis or to the dishonour and prejudice of his hienes his parentis progenitouris croun and estate.
,, 9		Ane act ratefeing and approving the procedingis of the kingis majestie his counsall and officiaris in the tryall prosecutioun and punisment of the lait rebellioun attemptat aganis his hienes and his auctoritie.
,, 10		Ane act for annulling certane alienationis provisionis and dispositionis maid in prejudice of the kingis majesties eschaet.
,, 11	,, 135	Aganis reductioun of foirfalturis for nullitie of proces, and that nane travell or give counsell to that effect without speciall warrand of the kingis majestie and estatis in parliament.
,, 12	,, 136	Aganis the granting of respettis and remissionis for slauchteris fire raising and utheris odious crymis to be committit eftir the dait heiroff.
,, 13	,, 137	Ane act tuecheing the provisioun to his hienes of a gard and suir pament of thair ordinare wages.
,, 14	,, 138	Ane act anent slauchter and trubling maid be parties in persute and defence of thair actionis.
,, 16		Ane act approving the constitutioun of certane the kingis majesties officiaris of the estate.
,, 17	,, 140	Additioun to the actis maid of befoir anent the cumming to courtis and compering at the bar in sober maner in persute and defence of criminall caussis.
,, 19	,, 141	Anent the gage and standert of salmound hering and quheit fische and principall stapillis thairof.
,, 21	,, 142	For explicatioun of the act maid befoir for punishment to rebellis contempnantile remanand at the horne.
,, 22		Ane act for suir assignatioun and pament of the levingis and stipendis appointit for the ministeris of Goddis word and eschewing of the abuse of diuersitie of prices.
,, 24		Ane act anent the arreisting intromissioun and sequestratioun of the eschaet guidis and debtis of the rebellis befoir they be convict or put to the horn.
,, 26		Ane act of ratificatioun of the kingis majesteis lait Revocatioun.
,, 27		Ane act anent the reformatioun of the College of Justice.
,, 28		Approbatioun of the lait cunyie of allayit money.
,, 29		Ane act for ane new cunyie of gold.
		Parliamentum Apud Edinburgh.
1584. Aug. 20. Cap. 2		Ane act for ane uniforme ordour to be observit be the beneficit men ministeris reiddaris and maisteris of collegis and scuilis in obedience of the kingis majesteis lawis and thair ordinaris.
,, 3	,, 1	Ane act for annulling of the successoris of prelaciis purchest of his hienes in the trublous tymis by past of his yung aige.
,, 5	,, 6	Anent the dissolutioun of the unioun of landis annexed to the Croun to be sett be our soverane lord in fewferme.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1584. Aug. 20.	1584.	
Cap. 6	Cap. 2	Anent landis lordschipis heretages takis and possessionis of landis and teyndis cumand in our soverane lordis handis be foirfaltour and quhairof the evidentis and rychtis of the personis foirfaltit ar maliciuslie abstractit in defraude of his hienes.
„ 7		Act in favour of our soverane lordis thesaurare and his deputt concerning factoriis of the landis and possessionis of the personis suspectit and delaitit of treasoun.
„ 8	„ 7	Act for confirmatioun of the fewis of kirklandis alsweill of auld as new.
„ 12	„ 5	Ane act prohibiting the eatting of flesche thrie dayis everie oulk.
„ 13	„ 9	Act ratefeing all former actis maid for transporting forbodin guddis out of this realme.
„ 14		Ratificatioun of the libertie of burrowis in generall.
„ 15		Act ratefeing the act of parliament maid of befoir anent the exces of coistlie clething.
„ 16		Commissioun to certane of everie estate with the kingis majesties officiaris to proceid in discussing of the remanand summondis of treasoun and of the articlis and supplicationis now presentit.
„ 20		Ratificatioun of the kingis majesteis revocatioun with additionis and exceptionis specifiit thairin.
1585. Dec. 1.	1585.	Parliamentum apud Linlythgow.
Cap. 1	Cap. 10	Ane act aganis the authouris of slaunderous spechis or writtis. In part, viz.: The words "under the pane of deid"; and from "and the said pane of deid" to the end.
„ 2		Ane act for the better executioun of our soverane lordis lawis and actis of parliament.
„ 3		Ane act anent feis of the seillis and chalmer and subscriptioun of the officiaris.
„ 4		Ane act anent the alteratioun of the tymes of sitting of the college of justice.
„ 5	„ 11	Ane act aganis dilapidatioun of benefices.
„ 7	„ 13	Ane act for reformatioun of certane abuses in directioun of lettres.
„ 8		Ane act ratefeing the formare act of parliament maid anent discharge of infeftmentis and sowmes of money oblist for deliverie of castellis.
„ 9	„ 19	Ane act interpreting the act of parliament maid of befoir anent dowble poyndingis.
„ 10		Ane act for establishing of the kingis Majesties previe counsall.
„ 11	„ 14	Ane act in favouris of the burrowis anent the paking and peling of fisches.
„ 12	„ 15	Ane act anent transporting of forbiddin guidis.
„ 13	„ 16	Additioun to the act anent thevis and soirneris of clannis.
„ 14		Ane act in favour of the tennentis quha hes maid payment to factouris.
„ 15		That the act of parliament laitly maid anent the confirmatioun of fewis of kirkland sall not prescrive aganis minoris for the space of ane yeir heireftir.
„ 16	„ 20	That all lettres be presentit to be subscrivit be the kingis majestie and be the ordinar officiaris.
„ 17		Anent the office of chancellarie.
„ 18		Ratificatioun of the assent of the estaitis for treating and concluding of a league with the quene of England.
„ 19		License gevin to the advocatis to treat and consult with the personis foirfaltit anent thair restitutioun.
„ 20	„ 17	The kingis Majesties revocatioun of his hienes propertie the lord Dingwell erle of Orkney and Williame Murray exceptit.
„ 24		Act for repossessioun of ministaris and maisteris of collegis and scuilis.
„ 25	„ 18	Declaratioun of the Lord Hamilton To be curatour to the erle of Arrane his brother. In part, namely: From "And seing his hienes" to the end.
„ 74		Anent commissionaris of the schyres to be send to the Parliament.
1587. July 8.	1587.	Parliamentum apud Halyrudhous.
Cap. 1	Cap. 22	Declaratioun of oure Soverane Lordis perfite aige.
„ 2	„ 23	Ratificatioun of the libertie of the kirk of God.
„ 3	„ 24	Anent tryall and punishement of the offences of the adversaris of the trew religioun presentlie professit within this realme.
„ 4	„ 25	Aganis sellaris and dispersaris of papisticall and erroneous buikis.
„ 5	„ 26	Releif of the ministrie of the first fructis and fyft penny of all benefices of cuir under prelaciis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1587.	1587.	
July 8.		
Cap. 7	Cap. 28	Anent proceiding in deprivatioun for the causis of dilapidatioun.
,, 9		Commissioun anent the cunye.
,, 10		Commissioun for the taxatioun to be grantit quhen it sall pleis that oure Soverane lord sall treat and conclude upoun his mariage.
,, 11		Commissioun toward the establishing of ane universall mett mesour and wecht.
,, 12		Commissioun for satisfactioun of the clergie for thair lyverentis.
,, 14	,, 31	The Kingis Majesties generall revocatioun.
,, 15	,, 32	For explanatioun of the Commissioun gevin to proceid aganis non residentis.
,, 16	,, 33-40	Anent the Parliament.
,, 17	,, 41	Aganis querrelling for prioritie of place or vote in parliament.
,, 18		Commissioun anent prioritie of places and voiting in parliament.
,, 19		Anent our esoverane lordis privie counsall.
,, 20		Act in favour of the sessioun for ratificatioun of thair privileges.
,, 21		Act in favour of sic of the lordis of sessioun as sall becum ageit and unhable.
,, 23	,, 42	Ratificatioun of the act of the lordis of counsall and sessioun anent proceiding in caussis of molestatioun.
,, 24	,, 43	Aganis wilfull and malitious pleyaris.
,, 25		Anent the sitting and vacance of the sessioun.
,, 26		Act of certane materis remittit to the lordis of counsall and sessioun.
,, 27	,, 44	Act remitting the interpretatioun of the law of oblivioun to the lordis of sessioun.
,, 28		Act of certane materis remittit to the secreit counsall.
,, 29	,, 45	For remeid of the falsset and ignorance of sindrie notaris.
,, 30	,, 46	For reformatioun of the extraordiner nowmer and monyfauld abuses of officiaris of armes. In part, namely : From "For triall qlkis" to "during thair lyftymes"; and from "letteres to be direct" to "in default thairof. And".
,, 31	,, 47	Aganis supersedereis.
,, 32	,, 48	Act in favour of the laubouraris of the ground troublit be teynding.
,, 33	,, 49	Anent accusatioun in crymes of tressoun.
,, 34	,, 50 ,, 51	Certane crymes declairit to be tressoun in tyme cuming.
,, 35	,, 52	Act concerning the punisement of usury.
,, 36	,, 53	For stancheing of derth and first for making of the prices of wyne and tymmer.
,, 38		For punishement of foirstalleris and regraiteris.
,, 39	,, 55	Aganis transporting of victuallis or keping of the same to derth.
,, 40	,, 56	Aganis keeping of horssis at hard meit in symmer.
,, 41	,, 57	Anent victualling of schippis passand to the north fischeingis.
,, 42	,, 58	Aganis eiting of flesche in lentren and uther dayes forbiddin.
,, 44	,, 60	Anent proclamatioun for serving of breves.
,, 45		Act in favour of personis that hes maid payment *bonâ fide* to factouris.
,, 46		Act authorizand the subscriptionis of commendataris allane that wantis conventis.
,, 47	,, 61	Act in favour of laic patronis for redemtioun of thair patronages.
,, 48	,, 62	Anent counterfait and invalide giftis of pensionis.
,, 49	,, 63	Anent our souerane lordis chekker.
,, 50	,, 64	Anent the presenting of seisingis yeirlie to the chekker.
,, 51		Act of certane materis remittit to the chekker.
,, 52	,, 65-69	Concerning oure souerane lordis propirtie.
,, 53		Anent the wodseting of the kingis propertie.
,, 54	,, 70-81	For the help and augmentatioun of the Kingis Majesties rentis in his thesaurarie and casualities. In part, namely : Secs. 1–7, 9, and 11–15.
,, 55		Act in favour of the thesaurair anent expeding of ratificatiounis.
,, 56		For universall concord amangis the kingis liegis.
,, 57	,, 82-92	For the furtherance and furthsetting of the criminall justice over all the realme. In part, viz. : Secs. (1)–(9) inclusive.
,, 59	,, 93-110	For the quieting and keping in obedience of the disorderit subjectis inhabitantis of the bordouris hielandis and ilis.
,, 60		Ratificatioun of the pacificatioun restitutioun and abolitioun grantit to oure soverane lordis liegis at divers parliamentis befoir.
,, 77	,, 111	Act assolyeand kirkmen fra warrandice except thair awin deid.
,, 109	,, 112	Anent taxatioun of burrowis.
,, 120	,, 114	The kingis Majesties declaratioun concerning the voittis of small baronis in parliament and instrumentis takin be the erle of Craufurde and the laird of Tullybardin.
,, 123		Commissioun to treat for defence of the realme in tyme of weare.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1587. July 8.	1587.	
Cap. 124		Commissioun forsetting of the ordour of the taxatioun on all estaitis.
„ 125		Commissioun for setting of the quantitie of the bulyeoun to be brocht to the cunyehous of all custumat guidis.
„ 132		Commissioun for the article anent the better executioun of justice.
„ 133		Commissioun to consider the lawis of this present and the last parliamentis.
„ 135		Commissioun to treat on the conformitie of prices of all victuallis and merchandice.
„ 136	Cap. 115	Mesuris and wechtis and the just quantitie thairof.
1592. Apr. 3.		Parliamentum apud Edinburgh.
Cap. 4		Act in favouris of the inhabitantis of Edinburg that had contractis or obligationis of the personis foirfaltit.
	1592.	
„ 8	Cap. 116	Act for abolisheing of the actis contrair the trew religioun. In part, namely : From "and all and quhatsumever" to "of the trew kirk," from "And becaus thair ar" to "haldin of pashe and yule," and from "Item oure said soverane" to the end.
„ 9	„ 117	Anent depositioun of unqualified personis frome thair functionis and benefices. In part, namely : From "(all personis" to "speciallie exceptit)" and from "And the said sentence" to the end.
„ 11	„ 119	Aganis Adulteraris. In part, namely : To "realme And thairfoir," and from "And ordanis this present" to the end.
„ 12	„ 120	For punishement of slauchter within kirkis or kirk yairdis.
„ 13	„ 121	Concerning the erectioun of kirk landis and teyndis in temporall lordschippis.
„ 14	„ 122	Againis Jesuites seminary preistis and thair resettaris.
„ 15	„ 123	Ratificatioun of the act maid in Februar 1587 in favour of the ministrie thair stipendis and rentis.
„ 17	„ 124	Alteratioun of the mercat dayis frome the sabboth day.
„ 18	„ 125	Quha hes not gevin confessioun of thair faith sall not enjoy the benefite of pacificatioun.
„ 19		Commissioun for reparatioun of hospitallis.
„ 27		Commissioun to confer and treat with the Ministre anent the provisioun of sufficient and locall stipendis to the ministeris.
„ 28	„ 126	Anent the dewtie of schireffis and utheris Jugeis ordinar thair depuittis and clerkis.
„ 29	„ 127	Concerning the office of lyoun king of armes and his brether herauldis. In part, viz. : Sec. (2) ; sec. (3) from "discharging him" to "officiaris of armes" ; and sec. (4).
„ 30	„ 128	For furthering of the payment and inbringing of the kingis casualities.
„ 31		For furthering of the kingis commoditie be the mynis and metallis. In part, viz. : From "Thairfoir oure said" to "proffeit thairof as said is" ; from "with avise of the thesaurare" to "conjunctlie and" ; from "with consent alwyis" to "in maner foirsaid" ; the words "with the consent foirsaid" ; from "with express provisioun" to "dewtie thairof" ; and from "And forsamekle" to end.
„ 32		Ratificatioun of the kingis majesties revocatioun.
„ 34	„ 129	Anent confirmatioun of the kingis propre landis past without advise of his Comptrollair.
„ 35	„ 130	For the better keiping of the kingis parkis.
„ 36		Anent the payment of the burrow males.
„ 37	„ 131	Anent the custumes of Englische guidis.
„ 38	„ 132	That the ratificationis past in this present parliament sall not prejuge parties richtis.
„ 41		The nominatioun and establisching of oure soverane lordis privie counsaill.
„ 42		Concerning the thesaurair anent ratificationis and uther materis past in this present parliament.
„ 44	„ 133	Anent the productioun of rentallis and fewis.
„ 45		For visitting and caussing of the lawes and actis of parliament to be prentit.
„ 46		Ratificatioun of the contract of mariage betuix the King and Quenis majesties and of hir hienes infeftmentis and titles past thairupoun.
„ 47		Approbatioun of thair services quha accumpaniet his majistie to Noroway and Denmark.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1592.	1592.	
Apr. 3.		
Cap. 48		Ratificatioun of the erll of Merschellis proceding in Denmark direct to treat the mariage betuix the King and Quenis majesties and of his infeftmentis.
„ 49		Ratificatioun to the laird of Barnebarrauche and Maister Piter Young and of thair procedingis in the said mariage and of thair infeftmentis.
„ 50	Cap. 134	Anent the aige and qualities of the Lordis of Sessioun. In part, namely: From "Annulland all" to the end.
„ 51	„ 135	Tuiching the autenticke daiting and registring of signatures.
„ 52	„ 136	For eschewing of faulsettis in reductioun of decreittis of redemptioun.
„ 53	„ 137	Act in favour of redemptioun of landis be quhatsumevir personis.
„ 54	„ 138	Anent the validitie of new boundand evidentis.
„ 55	„ 139	Concerning pensionis nocht authorizit be decreit or possessioun.
„ 56	„ 140	Aganis unlawfull condicionis in contractis or obligationis.
„ 57		Prescription of the act of repossessing.
„ 58		Act annulling the brandis and contractis of personis being in captivitie.
„ 60	„ 142	Anent denunceatioun of personis to the horne upoun lettres chargeing all and sindrie generallie.
„ 63	„ 145	That the obtenaris of giftis of escheatis pay the debt contenit in the horning quhairupoun the gift procedit.
„ 64		Ratificatioun of the commissariat of Edinburgh.
„ 65	„ 146	For puneisment of the ressettaris of tratouris and rebellis.
„ 66	„ 147	Anent the eschaetis of rebellis.
„ 67	„ 157	Againis granting of respeittis and remissionis.
„ 68	„ 148	For puneisment of the wilfull setting of fyre in coil heuchis.
„ 69	„ 149	For puneisment of masterfull beggaris and relief of the puir.
„ 70	„ 150	Againis foirstalleris and regraittaris.
„ 71	„ 151	Aganis caryaris of nolt and scheip furth of the realme.
„ 73	„ 153	Concerning the relevancie of lybellis in caussis criminall.
„ 74	„ 154	Anent the liberties of frie burrowis.
„ 76	„ 156	Aganis sic as exercesis craftis in suburbis adjacent to borrowis.
„ 77	„ 158	Aganis transporting of weill and kid skynnis furth of the realme.
„ 78	„ 159	Concerning the streitis and passages off burrowis.
„ 79	„ 160	Concerning certane abuses in the Admirallis procedingis.
„ 88	„ 162	Act remittand certane articlis and supplicationis to the privie counsaill.
„ 89	„ 161	Anent provestries and prebendaries being laic patronages.
1593.	1593.	Parliamentum apud Edinburgh.
Apr. 3.		
Cap. 6	Cap. 163	Act aganis keping of marcattis on the Sabboth day.
„ 7	„ 164	For puneisment of the contempnaris of the decreittis and judicatoriis of the kirk.
„ 10	„ 167	Act anent beneficis disponit to ministeris.
„ 11	„ 168	Aganis the sayaris of messe and ressattaris or interteneyaris of excommunicat papistes.
„ 13	„ 170	Additioun to the panis of law borrowis and unlawes.
„ 15	„ 172	For puneisment of custumaris and sercheouris offending in thair offices.
„ 16	„ 173	Anent remissionis and respeittis.
„ 17		Explanatioun of the act maid in favour of the vassallis of personis foirfaltit.
„ 18	„ 175	That infeftmentis of the propertie without consent of the comptrollar sal be nul.
„ 19	„ 176	Anent new infeftmentis with richt of patronage.
„ 20	„ 190	Anent confirmationis of kirklandis subscryvit of auld be the king and under the privie seill.
„ 22	„ 177	Act for puneisement of thame that troublis the parliament sessioun and uther jugementis. In part, namely: From "be oure soueraine lord" to "sicklyk Statutes an ordanis."
„ 23	„ 178	Act concerning the disorderis in the wast marche.
„ 24	„ 174	Ratificatioun of the priviligis of the College of Justice.
„ 25	„ 179	That the wreittar insert his name in the body of the wreitt. In part, namely: From "and to begin" to "next to cum."
„ 26	„ 186	Act in favour of personis quha wer provydit to the successorie of benefices befoir the yeir of God 1584.
„ 30	„ 194	Commissioun anent decyding of suspensionis in the kingis causes.
„ 31		Commissioun anent the cunyie.
„ 33		Ratificatioun of the liberties and privilegis of burrowis.
„ 36	„ 182	Aganis the transporting of calf kid and certayne uther skynnis.
„ 37	„ 183	Anent the custume to be taue of Englische beir.
„ 38	„ 184	Act concerning the deane of gildis jurisdictioun in burrowis.
„ 39	„ 185	Anent the commoun gude of burrowis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1593. Apr. 3.	1593.	
		In part, namely: From "Understanding diverse" to "quhair of his heines," from "efter the zeirlie rowping" to "within the saids burrowis," and from "nochtwithstanding of quhatsumevir" to the end.
Cap. 45		Commissioun anent the ministeris stipendis.
„ 46		Anent the Kingis Majesties privie counsaill.
1594. Apr. 22.	1594.	Parliamentum apud Edinburgh.
Cap. 3	Cap. 196	Aganis wilfull Heiraris of messe.
„ 4	„ 197	Anent satisfactioun to the kirk be papistes.
„ 5	„ 198	Aganis erectionis efter the annexatioun.
„ 6	„ 199	For provisioun of common kirkis.
„ 7	„ 200	Anent eschaetis and lytientis of excommunicat personis.
„ 10	„ 203	Anent setting of takkis without consent of the patrone.
„ 11	„ 204	Annulling of actis of parliament maid in favour of vassellis of personis foirfaltit.
„ 12	„ 205	Anent fraudfull dispositionis maid be personis foirfaltit.
„ 13	„ 207	Ratification of the actis maid for annexatioun of the propirtie and annulling of dispositionis maid in princes minorities.
„ 14	„ 208	General dissolutioun of the propirtie.
„ 15	„ 209	Anent lesing makaris and authouris of sklanderis.
„ 16	„ 210	Anent payment of the dewtie of the wynes.
„ 17	„ 211	Annulling of pensionis furth of the erectionis sen the annexatioun.
„ 18	„ 212	Anent souirties for officiaris off armes.
„ 19	„ 213	For tryall of the treuth of acquittances in suspensionis.
„ 20	„ 210	Anent haning of the kingis parkis and forrestis and incres of wyldfoull and vennysoun.
„ 21	„ 211	Anent the privilegis of the College of Justice.
„ 23	„ 217	Anent the beginning of the harvest vacance.
„ 28	„ 218	For consideratioun of articles to be proponit in Parliament.
„ 29	„ 219	Anent slauchter and trubling of parties in persute and defence of thair actionis.
„ 31	„ 225	Anent the certane tyme of lentren sparing of young flesche in the spring and brekkaris of lentren and uther dayis forbiddin to eit flesche.
„ 32	„ 222	For punischement of committaris of usurie.
„ 33	„ 223	For punischement of sum disorderis of studentis and bursaris.
„ 34	„ 224	For executioun of the actis anent slauchter of blak or reid fische and fry of salmound.
„ 37	„ 231	For punisement of thift reif oppressioun and sorning.
„ 45		Prelattis and utheris beneficit personis suld haif releif of thair taxatioun.
„ 47		Act in favour of the skynnaris.
„ 74		Ratificatioun of the act and contract anent the cunyie.
„ 75	„ 206	Ratificatioun of the act anent the bulyeoun.
„ 76		Ratificatioun of the actis anent regrattaris and foirstallaris.
„ 77	„ 230	Of the panes of thame that makis nocht thair comptis tymouslie in the chekker.
„ 98		Anent hospitallis and schoolis.
1597. Nov. 1.	1597.	Parliamentum apud Edinburgh.
Cap. 2	Cap. 235	All ministeris provydit to prelaceis suld haif voit in parliament.
„ 4	„ 233	Alienatioun of the Kingis annexit propertie.
„ 8	„ 241	Assyis hering may nocht be disponit.
„ 9	„ 242	Anent heritable chalmerlanreis and dispositiounis of the propertie.
„ 10	„ 243	Alienatio feudiferme feudifirmarum.
„ 11	„ 244	Anent takis and pensionis gevin furthe of thriddis.
„ 12	„ 245	Anent thriddis of beneficis common kirkis frierlandis rentis and beneficis of cuir under prelaceis.
„ 13	„ 246	The twa part of the beneficis vacand sall appertene to the King.
„ 14	„ 247	Anent ratificationis and dispositionis maid in Parliament.
„ 15	„ 248	Ministeris and possessouris of benefices sall gif up the rentell of the temporalitie.
„ 16	„ 249	The fewaris of the temporalitie sall gif up ane rentell of thair dewties.
„ 18	„ 251	It is noch lesum to tak mair annuelrent or proffeit nor ten for the hundrethe.
„ 19	„ 252	The pane of beraris usaris or schutaris with pistolettes culveringis daggis or ingynis of fyre wark.
„ 20	„ 253	The pricis of gold and silver of forene cunyie and bulyeoun.
„ 21	„ 254	Woll suld nocht be transportit furthe of the realme.
„ 22	„ 255	All merchandice brocht within this realme suld pay custome.
„ 23	„ 256	English claithe and utheris Englishe merchandice maid of woll is forbidden.
„ 24	„ 257	Great burne coill suld nocht be transportit furthe of this realme.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1597.	1597.	
Nov. 1.		
Cap. 25	Cap. 258	Forbidden guids suld pay custume.
„ 26	„ 259	All cocquettis suld be speciall and contene the particular kyndis of merchandice.
„ 27	„ 260	All schippis suld haif ane sufficient cocquett.
„ 28	„ 261	The aithe of the merchandis schipperis and factoris passand to and fra the law countreis and furthe of this realme.
„ 29	„ 262	All schippis and merchandis suld land at the ordinar staple.
„ 30	„ 263	The conservatour suld puneish usureris.
„ 31	„ 264	All merchandis sall gif ane inventare of thair mercheandice and gudis to the conservatour.
„ 32	„ 265	Of slayaris of reidfish smoltis frie and salmond in forbiddin tyme.
„ 33	„ 266	The inhabitantis of the iles and helandis suld schaw thair haldingis.
„ 34	„ 267	Anent the bigging of burrowes townis in the ils and hielandis.
„ 35	„ 268	Letteris of horning inhibitionis interdictionis and publicatioun thairof aganis personis duelland within bailiereis suld be registred in bukis.
„ 36	„ 269	Registratioun of letteris of horning relaxationis executionis inhibitionis suld be maid judiciallie or befoir ane notar and four witnessis. Of the judge refusand the registratioun.
„ 37	„ 270	It is not lesum to slay deir rais hares wylde foules or dowes.
„ 38	„ 271	Auld unlawes ar valued and amplified.
„ 39	„ 272	Strang beggaris vagaboundis and Egiptians suld be punished.
„ 42	„ 275	The schirreff clarkis sall bring thair buikis to the chekker. Thai suld be markit.
„ 43	„ 276	Barrounes suld send to the parliament commissioneris with sufficient commissionis.
„ 44	„ 277	Prisoun houses suld be begged within all burroues.
„ 45	„ 278	Anent dimissioun of benefices contening reservatioun of the lyfrent of the resignant.
„ 46	„ 279	Of personis duelland within brught subject to the help of the pure to the waching and warding.
„ 47	„ 280	All burgesses suld be taxt and stentit be thair magistratis according to the rentis within burght.
„ 48	„ 281	Ane taxation to be granted to the King. The forme and maner of the uptaking thairof.
„ 66		Ane act anent copper cunyie.
1600.	1600.	Parliamentum apud Edinburgh.
Nov. 1.		
Cap. 3	Cap. 1	The fyft day of August appointit yeirlie for solempne thankis geving in all tyme cummyng.
„ 12	„ 4	Anent invading and persewing of counsalouris.
„ 13	„ 5	Anent purprusioun in the Kingis commonteis.
„ 14	„ 6	Anent beraris and schuteris with hagbuttis and pistolettis.
„ 15	„ 7	Explanation of the actis of Parliament anent ocker and usurie.
„ 16	„ 8	Anent dissolutioun of the coilhewchis of the propirtie and landis quhair demolessit strenthis and castellis were biggit of auld.
„ 18	„ 9	Act anent cunyie.
„ 19	„ 10	Act anent salting and transporting of herring.
„ 20	„ 11	Slaying of salmond in forbiddin tyme to be ane cryme of theift in tyme cummying.
„ 22	„ 13	Anent hornyngis. In part, namely: From "discharges that part" to "and witnesses and."
„ 24	„ 15	The pane of forbiddin and uncustumat gudis.
„ 25	„ 16	Ratificatioun of the actis maid of befoir in favouris of the kirk.
„ 26	„ 17	Act anent non communicantis.
„ 27	„ 18	Ratificatioun of the act anent Jesuittis preistis excommunicat and traffiquing papistis.
„ 28	„ 19	Ratificatioun of the act anent strang and idill beggeris.
„ 30	„ 21	Registeris of the schirefclerkis to be markit be the Clerk of Register and his deputtis and thair extractis to be markit be thame selffis. In part, namely: From "and this ordour" to "to be sa marked"; and the words "after the foresaid day."
„ 31	„ 22	Act anent removeing and extinguischeing of deadlie feadis.
„ 32		Act anent provisioun for armoure.
„ 33	„ 28	Act anent the keiping of pledgis.
„ 34	„ 23	Act aganis slaughter of wyld foullis.
„ 35		Act aganis making of redres.
„ 36		Anent registratioun of saisingis.
„ 37	„ 24	Anent the custumyng of gudis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1600. Nov. 1.	1600.	
Cap. 38	Cap. 25	All charges of hornyng aganis persones duelland benorth Die to be direct upoun fyftene dayes at the leist.
„ 39	„ 26	Act aganis persones quha persewis utheris within one myle of the kingis majesteis residence.
„ 52		Commissioun anent the ranking of the nobilmen.
„ 53		Commissioun anent woll.
1604. Apr. 10.	1604.	Parliamentum apud Edinburgh.
Cap. 1	Cap. 1	Commissioun for the Unioun.
„ 2		Act in favouris of the kirk.
1606. Jul. 11.	1606.	Parliamentum apud Edinburgh.
Cap. 4	Cap. 5	Act anent the riveris of Tweid and Annand.
„ 5	„ 6	Anent the customes butuix Scotland and England.
„ 7	„ 8	Anent teynding of cornes.
„ 8	„ 9	Anent auld decreittis of ejectioun and spulyie in the bordouris.
„ 10	„ 11	Anent coilyearis and saltaris.
„ 11	„ 12	Act anent setting of fewis be subvassellis of waird landis.
„ 13	„ 14	Act in favouris of his majesteis vassellis for payment of thair blenshe dueties.
„ 14	„ 15	Act anent saisingis to be gevin on preceptis of the chancellarie.
„ 15	„ 16	Act in favouris of the burrowis regall.
„ 17		Anent the keiping of the kingis housis.
„ 18	„ 17	Act anent the taxatioun and collecting thairof.
„ 19		Act anent the granting of the taxatioun.
„ 23		Commissioun anent the erectionis.
„ 38		Act in favouris of the senatouris of the College of Justice and memberis of the samyn.
„ 71	„ 3	Act anent the dilapidatioun of bishoprikis.
1607. Mar. 18.	1607.	Parliamentum apud Edinburgh.
Cap. 1		Act anent the Union of Scotland and England.
„ 2	Cap. 1	Act aganis the sayaris and wilfull heiraris of mess.
„ 5		Act anent the kingis blensche dueteis in erectionis and ministeris stipendis of the kirkis erectit.
„ 7	„ 2	Act anent weichtis and messuris.
„ 8	„ 4	Ratificatioun of the Act anent conduceing of craftismen.
„ 9		Commissioun anent grammer and teacheris thairof.
„ 12	„ 5	Act in favouris of the burrowis regall.
„ 13	„ 6	Act in favouris of the frie burrowis regall aganis unfremen. In part, namely: From "considering the great" to "and thairfor," and from "that all unfrie" to "this Act And also."
„ 16		Act in favouris of the Clerk of Register anent the prenting of the book callit Regiam Majestatem.
1609. Apr. 12.	1609.	Parliamentum apud Edinburgh.
Cap. 3	Cap. 1	Act anent the cheising of pedagoges to children passing furth of Scotland to schooles.
„ 4	„ 2	Act aganis children that becomes papistis when they are out of Scotland.
„ 5	„ 3	Act anent excommunicat persones nocht to injoy their landis rowmes and possessionis.
„ 6	„ 4	Act anent giveing command to bischoppis to send the names of excommunicatt persones to the thesaurar and to the directour of the chancellarie.
„ 7	„ 5	Act aganis jesuitis seminarie priestes and resettaris of thame.
„ 8	„ 6	Act of the commissariatis and jurisdictioun gevin to the archibischoppis and bischoppes.
„ 9		Act placeand Robert erle of Louthiane in the Commissioun of the quorum in place of his father for setting down the Kings blenche dueteis in erectionis and modefeing ministeris stipendis. And the bischop of Galloway in place of the bischop of Dunkeld for modefeing ministeris stipendis.
„ 14	„ 7	Act anent the commissioners and justices of peace.
„ 15	„ 8	Act of the apparels of judges magistrattis and kirkmen.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1609. Apr. 12.	1609.	
Cap. 16	Cap. 9	Act against scandalous speeches and libellis.
„ 17	„ 10	Act anent fugitive persones of the borders to the in countrey.
„ 18	„ 11	Act in favouris of the Lordis of Sessioun of ten thousand poundis to be gevin to them yearlie.
„ 19	„ 12	Act anent the patronages of foirfaulted persones.
„ 20	„ 13	Act anent the Egiptians.
„ 21	„ 14	Ratificatioun gevin be the king to the secrete counsaill to ressave resignationis.
„ 40		Act anent the abolisheing of the secretaris register.
„ 47		Submissioun betuix the archibischop of Sanctandrous and the lord advocat in the Kingis name.
„ 48		Commissioun anent the ravissing of wemen.
1612. Oct. 12.	1612.	Parliamentum apud Edinburgh.
Cap. 2	Cap. 2	Ane act for remanding back to his Majesties officiares of justice in England of offendours in some particular crymes in the act mentioned who efter the committing of the offence in England salbe thairupoun fugitive and remane in this kingdom.
„ 3	„ 3	Ane act declaring that in all tyme heirefter the objecting of hornyng for a civile cause of the partie aythor slane or mutilat salbe no liberatioun of the offender frome the punischement dew of the law.
„ 4	„ 4	Ane act aganis ravischers of wemen.
„ 5	„ 5	Ane act anent more tymous teynding ffor the ease of the laborers of the ground.
„ 6	„ 6	Ane act for discharge of all persute aganis any within the boundis of the lait borders for causes preceding his Majesties going to England with exception nottheles of all decretis recoverit and with reservatioun of the criminall persute at the instance of his Majesties officiars.
„ 8	„ 8	Ane act anent reparing of bischops manses.
„ 9	„ 9	Ane act pardonyng the bypast escaips of some pœnall statuts thairin mentioned.
„ 12		Ane act concerning the voluntar offer of ane taxatioun maid be the Estaittis of Parliament to his Majestie.
„ 13		Act anent the forme and order of the uplifting of the said taxatioun.
„ 16		Commissioun for dealing betuix his Majestie and the Bischop of Orknay for the bischops landis in Orknay.
„ 24		Ratificatioun in favours of the officiars of the cunzehouse.
„ 47		General ratificatioun of the burrowis liberties.
1617. Mai. 27.	1617.	Parliamentum apud Edinburgh.
Cap. 2	Cap. 2	Anent the restitutioun of chapteris.
„ 4	„ 4	Anent the setting of takis be prelatis and utheris beneficed persones.
„ 5	„ 5	Additioun to the act anent dilapidatioun off benefices.
„ 6	„ 6	Anent furnesing of necessaries for ministratione of the sacramentis. In part, viz.: From "and the Ministeris" to end.
„ 7	„ 7	Anent unlawis of absentis frome Parliament.
„ 8	„ 8	Anent the Justices for Keeping of the Kingis Majesties peace and thair constables.
„ 9	„ 9	Anent the teynding of Cornis.
„ 10	„ 10	Anent the poore.
„ 11	„ 11	Anent the Queines counsell.
„ 12	„ 12	Anent prescriptioun of heretable rightis. In part, viz.: From "And his Majestie being carefull" to end.
„ 13	„ 13	Anent reductioun of retouris and summondis of errour. In part, viz.: From "It is alwayis declared" to end.
„ 14	„ 14	Anent exequutoures. In part, viz.: From "reserving only" to end.
„ 16	„ 16	Anent the registratione of reversiones seasingis and utheris writis. In part, viz.: The words "within thriescore dayes after the date of the same," "within thriescore dayes efter the date of the seasing," "within the said space of thriescore dayes"; from "instruments of seasing" to "nor yit to"; from "make and constitute" to "to that effect in Edinburgh"; and from "Ordaning Publicatioun" to the end.
„ 18	„ 18	Anent the keiping of forrestis.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1617. Mai. 27.	1617.	
Cap. 20	Cap. 20	Anent the punischment of drunkardis.
„ 21	„ 21	Anent dischargeing of caulpis.
„ 22	„ 22	Anent the inbringing of protho-gollis.
„ 24		A commissione for heretable offices.
„ 25		A commissione for keiping of justice courtes.
„ 37		A commission anent barking of hyidis.
1621. Jun. 1.	1621.	Parliamentum apud Edinburgh.
Cap. 2	Cap. 2	Anent the taxatioun grantit to his Majestie of threttie schillingis termelie upone the pound land and the tuentie pennie of all annuelrentis.
„ 3	„ 3	Anent the collecting and inbringing of the taxatione and relief to prelatis.
„ 4	„ 4	Ane act of ratiefication in favouris of the prince his hieghnes.
„ 6	„ 6	Act anent comprysingis. In part, namely: From "It is statute and ordanit that the compryser" to "times following, and"; from "Bot it is declared" to "Landis is comprysed"; and from "And the saidis estaittis" to end.
„ 7	„ 7	Anent adjudicatiounes. In part, namely: From "It is alwayes" where these words last occur to "alreddie recovered."
„ 8	„ 8	Anent the extractis of infeftmentis past upone comprysingis furth of the previe seale where the same ar not registrated at the great seall.
„ 9	„ 9	Anent geving of licience to bischopes to sett thair warde landis in fewferme.
„ 11	„ 11	Ratificatioun and additioun to the Act of Parliament made anent restitution of cheptoures.
„ 12	„ 12	Anent packeing and peeling.
„ 13	„ 13	Anent the dischargeing of protectiounis.
„ 15	„ 15	Act declaring all takis set for longer space nor thrie yeiris without consent of the patrone be persones under the degrie of prelattis since 1594 to be null.
„ 16	„ 17	Anent metis and measures.
„ 17	„ 17	Anent the dischargeing of a peck to the boll.
„ 19	„ 12 (Sic)	Ratificatioun of the act of Counsell anent the pryces of wreates sealis &c. made 1606.
„ 20	„ 20	Act ordaning annuelrent to be dew efter horning. In part, viz.: From "and suche persones" to end.
„ 21	„ 21	Anent servandis going lowse and leving thair maisteris service.
„ 23	„ 23	A generall pardoun for deidis done aganis penall statutes (sum few excepted) and a discharge of James Cranstoun his commissioun.
„ 24	„ 24	Anent evidentis past the gryit seale quhilkis ar not registrated.
„ 25	„ 25	Anent banqueting and apparell.
„ 26	„ 26	Anent thaicking of houses in Edinburgh with sklate and skailyee.
„ 27	„ 27	Anent compryseing frome appeirand airis extendit alsweill to menis awin dettis as thair predicessouris.
„ 28	„ 28	Anent taking of annuelrent before hand to be usurie.
„ 29	„ 29	Ratificatioun of the act of Secreit Counsell aganis baxteris brewstaris flescheouris and candlemakaris of Edinburgh.
„ 30	„ 30	Act restrayning the bying and selling of certane wyild foullis.
„ 32	„ 32	Anent the harreing of haulk nestis and hounting in snaw.
„ 34		Commissioun anent moneyis.
„ 35		Commissioun anent the taxt roll within the schirrefdome of Kincardin.
„ 36		Commissioun anent coallis and coil heughis.
„ 37		Commissioun for modiefeing blenche dewties and ministeris stependis in erected prelacies.
„ 38		Reference to the Secreit Counsell anent metsteris.
„ 39		Another anent the inbringing of water to Edinburgh.
„ 81		Act in favoures off the Keiparis of the kingis castellis.
„ 82		Declaratioun in favouris of utheris burrowis anent the actis grantit in favoures of Edinburgh.
„ 111		Acceptatioun by the Parliament off the offer made by the extraordinarie Lordis of Sessioun anent thair taxatioun.
„ 112		Ane act and Commissioun grantit by Parliament upoun the offer maid by the Advocatis and utheris memberis of the Colledge of Justice anent thair taxatioun.
„ 114		Ratificatioun in favouris of the Clerkis of Sessioun.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
		CHARLES I.
1633. Jun. 18.	1633.	Parliamentum apud Edinburgh.
Cap. 1	Cap. 1	Act anent the taxatioun grantit to his Majestie of threttie schillings tearmlie upon the pound land and the saxteinth pennie of all annual rents.
,, 2	,, 2	Act anent the collecting and inbringing of the Taxatione and releife to prelates.
,, 3	,, 3	Act anent his Majesties royall prerogative and apparell of Kirkmen. In part, viz. : "And withall remembring" to the end.
,, 4	,, 4	Ratificatioun of the actes toutching religione.
,, 5	,, 5	Ratificatioun of the act of counsall anent plantatione of Schooles.
,, 7	,, 7	Act anent invading of ministers. In part, namely : The words "Archbischops, bischops, and," and from "and becaus the malice" to the end.
,, 9	,, 9	The Kings generall revocatione.
,, 12	,, 12	Ratificatioun of the actes of interruptione.
,, 16	,, 16	Act anent vassalles holding ward.
,, 17	,, 17	Act anent the rate and pryce of Teinds. In part, namely : From "Betuix and the terme of Martinmasse" to "for selling of the saids teinds."
,, 18	,, 18	Act anent the Exchequer.
,, 20	,, 20	Act anent the King his designatione of the names to be insert in the commissiones anent the tithes and lawes.
,, 21	,, 21	Act anent the annuell of aucht to be takin of ilk hundreth in tyme to come allanerlie suspending the same for thrie yeirs And in the interim tuo of ten to be payit for the said space to his Majestie.
,, 22	,, 22	Act anent the Lordes of Sessione thair taxatioun of ten shillings to be imposed upon everie pund of land of old extent.
,, 23	,, 23	Ratificatioun of the liberties of the College of Justice.
,, 24	,, 24	Ratificatioun of the priveledges of the frie Royall burrowes.
,, 25	,, 25	Ratificatioun of the Actes maid in favours of the Justices of peace and thair constables and commissione to the lords of secreit counsall thair anent.
,, 26	,, 26	Explanation of the Actes of Parliament maid in favours of the Lords of Sessione. Anent tuelff pennies of the pund to be payit in decreits to be given by the saids Lords heireftir.
,, 27	,, 27	Act anent pardon of penal statuites.
,, 32		Commissioun for surveying the lawes.
,, 33		Commissioun anent the Admiralitie and chamberlanrie.
,, 34		Commissioun to the Lords of Secreit Counsell.
,, 35		Commissioun to the Lordis of Privie Counsall.
,, 38		Commissioun anent the exchange of moneyes.
,, 39		Commissioun anent the criminall judicatorie.
,, 41		Commissioun to the Lordes of His Majesties Exchecker.
,, 42		Commissioun to the Lords of Secreit Counsall.
		CHARLES II.
1661. Jan. 1.	1661.	Parliamentum apud Edinburgh.
Cap. 4		Commission to the Lords of the Articles and Processes.
,, 5		Commission for trade and complaints.
,, 6	Cap. 2	Act anent the kingis Majesties prerogative in choiseing and appointing of the officers of State, Lords of Privy Council and Session. In part, viz. : From "And therfor" to the end.
,, 7	,, 3	Act anent his Majesties prerogative in calling and dissolveing of Parliamentis and makeing of lawis. In part, viz. : From "and therfor" to the end.
,, 11		Act and Proclamation against the Remonstrators, and for order in the toun of Edinburgh.
,, 12	,, 4	Act anent his Majesties prerogative in making of Leagues and the Convention of the subjects. In part, viz. : From "and declares that" to the end.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1661. Jan. 1.	1661.	
Cap. 13	Cap. 5	Act anent his Majesties prerogative in the Militia and in making of Peace and War or treaties and leagues with forraine Princes or Estates. In part, viz. : From "Lykas the Kings" to the end.
,, 15		Act for a guard of Horse to attend the Parliament.
,, 18	,, 6	Act annulling the Convention of Estates 1643 and rescinding any acts ratifieing the same.
,, 19		Act and Proclamation against the meitings of Anabaptists Quakers &c.
,, 21		Act rescinding the resolution of a Quaere in June 1644.
,, 22	,, 7	Act concerneing the League and Covenant and dischargeing the renewing thereof without his Majesties warrand and approbation.
,, 23	,, 52	Act anent the disposall of vacant Stipends.
,, 37	,, 8	Act against saying of Meese seminary and Messe Preists and trafficquing Papists.
,, 46	,, 9	Act approveing the Engadgment of 1648 and annulling the Parliament and Committees 1649.
,, 48		Act for opening the Signet.
,, 52	,, 10	Act condemneing the deliverie of the King.
,, 57		Act concerning persons comeing from Ireland without a testimony.
,, 87	,, 12	Act concerning the judiciall proceidings in the tyme of the late usurpers.
,, 92		Anent the custom and price of tobacco pypes.
,, 112	,, 13	Act and offer of 40000 pund Sterline to be payed to the Kings Majestie yeerly dureing his lifetyme by this Kingdome.
,, 126	,, 15	Act rescinding and annulling the pretendit Parliaments in the yeers 1640, 1641 &c.
,, 127	,, 16	Act concerning Religion and Church Government.
,, 128	,, 14	Act for raising the annuitie of 40000 pund sterling granted to his Majestie.
,, 136		Act Declareing the Toun of Dunce the heid Burgh of the Shireffdome of Berwick.
,, 157		Ratification in favours of the Royall Burrowes of Scotland.
,, 167		Act anent the poore Schoolers in Argyle.
,, 194		Act anent the downsitting of the Session and opening the Signet.
,, 199		Act anent the sitting of the Session.
,, 217	,, 22	Act against the severall degrees of casuall homicide.
,, 218	,, 29	Act anent execution of poinding to follow upon Shireffs Commissers and other inferior Judges decreits. In part, viz. : From "Lykas his Maiestie" to the end.
,, 219	,, 48	Act anent the priviledge of Soapworks.
,, 240	,, 27	Act for the pardon of penal status.
,, 241	,, 28	Act dischargeing the Quots of Testaments.
,, 242	,, 30	Act anent the fewars and vassalls of Kirklands.
,, 245	,, 33	Act for the right packing of Salmond.
,, 246	,, 34	Act against clandestine and unlawful Marriages. In part, namely : From "Considering how" to "his saids Estates," and from "And in caice" to the end.
,, 253	,, 35	Act concerning the election and charges of the Commissioners from the Shires to the Parliament.
,, 254		Act anent an allowance to the Commissioners to the Parliament in the year 1648.
,, 255		Act anent the oath of Alledgeance &c., to be taken by Magistrates and Councill within Burgh.
,, 260	,, 23	Act ratifieing the priveledges of the Colledge of Justice.
,, 261		Act explaneing the extent of ane former Act anent redemption of the fie lands.
,, 265		Act anent the annuitie to be uplifted within the burgh of Edinburgh for ministers stipends.
,, 270	,, 50	Act and offer of 12000 pund Sterline to the Lords of Session.
,, 271		Act anent ane augmentation to the rents of the Lords of Session.
,, 272	,, 37	Act concerning Bullion.
,, 273		Act for coyning of copper money.
,, 274		Act for provydeing a stock for the Minthouse.
,, 275	,, 42	Act establishing Companies and Societies for makeing lining cloth, stuffs, &c.
,, 276	,, 43	Act dischargeing the exportation of lining yearne and regulateing the breadth of lining cloath &c.
,, 277	,, 44	Act for encourageing of Shiping and Navigation.
,, 278	,, 45	Act dischargeing the exportation of Skines, hyds, &c.
,, 279	,, 39	Act for the Fishings and erecting of companies for promoting the same.
,, 280	,, 40	Act for erecting Manufactories.
,, 282	,, 19	Act against suareing and excessive drinking.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1661. Jan. 1. Cap. 284	1661. Cap. 41	Act for planting and incloseing of ground. In part, namely : From "Considering how many" to "made. Doth therfor," from "Revive the nynt act" to "damnified. And further" and from "And recommends" to the end.
,, 291	,, 36	Act anent presentation of Ministers.
,, 292		Act for appointing a Councill for Trade.
,, 296		Act explaneing the extent of the Act anent the opening of the Signet.
,, 308	,, 46	Act dischargeing the exportation of wollen yearn worsteid broken copper and pewter.
,, 309		Act for raising the price and fee of the Lord Registers Subscription.
,, 310	,, 47	Act dischargeing tradesmen to import made work.
,, 320		Act anent cruves &c., upon fresh waters in forbidden tyme.
,, 321		Act anent the accompts of the moneths mantenance imposed for defraying his Majesties expences from Holland, &c.
,, 330	,, 52	Act concerning the disposall of vacand stipends.
,, 332	,, 55	Act anent Cocquets and entries of Ships.
,, 333	,, 56	Act anent Coalhewers.
,, 334	,, 57	Act dischargeing the custom of two and a halff of the hundredth and the impost of four punds on the tun.
,, 335	,, 58	Act in favours of those who get thair waird holding changed by the King's Majestie.
,, 336	,, 59	Act anent the Exchequer.
,, 337	,, 60	Act concerning docqueting and presenting of Signatours.
,, 338	,, 38	Commission and Instructions to the Justices of Peace and Constables. In part, viz. : From "The Justices of Peace at thair first sitting" (p. 306, col. 2) to "so help me God" (*ibid.*). From "make and rectifie" to "handie crafts," and from "and imploy the" (p. 306, col. 2) to "shall find most expedient." From "if the partie be a" (p. 307, col. 1) to "of a meaner degrie" (*ibid.*). From "If either the Shirreff or Baillie shall" (p. 307, col. 1) to "by his Majesties Council" (*ibid.*). From "under the degrie of Noblemen" to "Colledge of Justice," and from "And as concerning these" to "had been then found." From "The saids Commissioners shall put" (p. 307, col. 2) to "propper for them to enjoyn" (*ibid.*). From "The saids Commissioners and Justices" (p. 307, col. 2) to "as apperteaneth" (p. 308, col. 1). From "The saids Justices shall put his" (p. 308, col. 1) to "conform to the Acts of Parliament" (p. 308, col. 2). From "It shall not be leisum" (p. 308, col. 2) to "tenor of the saids Acts" (*ibid.*). From "They shall set doun order" (p. 308, col. 2) to "qualitie of the delinquent" (*ibid.*). From "shall appoint at the" (p. 308, col. 2) to "fies The saids Justices" (*ibid.*) ; and the words "appointed by their ordinance." From "The saids Justices shall take" (p. 309, col. 1) to "as the saids Justices shall appoint" (*ibid.*). The words "Magistrats of Burghs and" (p. 309, col. 1) ; and from "The saids Justices causeing" to "discretion of his Majesties Councill." From "Item Our Soverane Lord" (p. 309, col. 1) to "contraveeners as apperteaneth" (*ibid.*) From "They shall cause" (p. 309, col. 1) to "qualities and deserts" (*ibid.* col. 2). From "Our Soverane Lord" (p. 309, col. 2) to "such charges doth belong" (*ibid.*). From "And because ther is sensible" (p. 309, col. 2) to "whereof they find the necessity or use" (p. 310, col. 1). From "The saids Justices shall be holden" (p. 310, col. 1) to "required to doe the same" (*ibid.*). From "The saids Justices of Peace as well to" (p. 310, col. 1) to "mean time their further directions" (*ibid.* col. 2). From "The saids Justices Shall put in execution" (p. 310, col. 2) to "as the Justices shall think fit" (p. 311, col. 1). From "That the Justices shall put" (p. 311, col. 1) to "by the saids Justices in lyk-maner as aforsaid" (*ibid.*). The words "and bind him to prosecute" (p. 311, col. 1, l. 7 from foot). From "And if any Nobleman" (p. 311, col. 2) to "may be taken therwith" (*ibid.*). From "The saids Justices shall tuise" (p. 311, col. 2) to "shall see meet to impose" (p. 312, col. 1).

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1661. Jan. 1.	1661.	
Cap. 338	Cap. 38	Commission and Instructions to the Justices of Peace and Constables—*continued.* From "And further the saids Justices" (p. 312, col. 1) to "give their orders therein" (*ibid.* col. 2). From "two at least in everie" (p. 312, col. 1) to "sex to sex moneths" (*ibid.*) From "Followeth the oath" (p. 312, col. 2) to "enjoyne and appoint." From "Everie constable in their" where these words first occur (p. 312, col. 2) to "next quarter Session" (*ibid.*). From "All constables shall arreist" (p. 313, col. 1) to "give such licences" (*ibid.*). From "And that the saids constables" (p. 313, col. 1) to "cause them to be payed of the same" (*ibid.*). From "And least this above-written" to "and no otherwayes."
„ 339		Act suspending execution upon bands for publict debts till the next Session of Parliament.
„ 340		Act anent the amendment of same of the Acts of Parliament past before the generall Act of Rescission.
„ 341		Act in favours of the Commissers of Edinburgh.
„ 342		Act and Commission for trying certain prissoners incarcerate within the tolbuith of Pearth.
„ 344	„ 62	Act for ordering the payment of debts betwixt creditor and debitor. In part, viz.: From "Yet the troubles" to "for payment of their debts" from "Statuts and Ordaines" where these words first occur to "the consignation forsaid. And" and the words "His Majestie for the reasons and with consent forsaid." From "And statuts and ordaines" (p. 318, col. 1) to "the same be now expyred" (p. 318, col. 2, l. 2 from top). From "And further for obviateing" (p. 319, col. 1, middle) to "person or their forsaids" (*ibid.*). From "And incace a Creditor" to "prejudged by these presents," and from "And because befor the yeer" to the end.
„ 345	„ 49	Act reducing annuel rents to sex for the hundreth.
„ 352		Act and Commission anent the inbringing of the remainder of the tuo moneths mantenance imposed in 1651 &c.
„ 353		Act anent the inbringing of the 80,000 marks imposed on the royal burrows in 1650 &c.
„ 357		Act anent the sitting of the Commisser Courts within the Burgh of Aberdeen.
„ 393	„ 64	Act of Adjournment.
1662. May 5.	1662.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 2nd.
Cap. 1		Act for calling in the Bishops to the Parliament.
„ 2		Act concerning members of Parliament who doe not attend.
„ 7	Cap. 3	Act concerning such Benefices and stipends as have been possest without presentations from the lawfull Patrons.
„ 8		Act for keiping the anniversary thanksgiveing for the Kings Majesties birth and restauration.
„ 11		Act renewing the Commission anent the creditors of forfalted persons.
„ 12	„ 2	Act for preservation of his Majesties Person Authoritie and Government.
„ 16	„ 7	Act for the allowance of ten thousand punds Scots yeerlie to the Lords of Session out of his Majesties Customes.
„ 17	„ 6	Act for suppressing of theft robberies and depradations.
„ 25	„ 9	Act anent the teinds belonging to Bishops and other beneficed persons.
„ 28		Act for releef of those who wer over-burthened in their leveys anno 1649 for their concurrence in the Engadgment 1648.
„ 38		Act for keeping the Registers of session in the Parliament House.
„ 50	„ 8	The Kings Majesties generall Revocation with a Declaration thereanent.
„ 71	„ 10	The Kings Majesties gracious and free Pardon Act of Indemnity and Oblivion.
„ 73		Act anent the children and posteritie of forfeited persons.
Mai. 8.		
Cap. 74		Act anent the abatement of Excise to some Shires and Burghs.
„ 83		Act suspending publict debts till the next session of Parliament.
„ 84		Act in favours of these who wer absent and tooke the benefite of the act anent Debitor and Creditor at London.
„ 112	„ 12	Act of Adjournment.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1663. Jun. 18.	1663.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 3rd.
Cap. 1		Commission for tryeing of the contrivance and carieing on of the Act of Billeting.
,, 2	Cap. 4	Act against Protections.
,, 3	,, 9	Act anent the dischargeing of Advocations for sums within 200 merks.
,, 5		Act allowing the inhabitants of Zetland to import forrane drinking beir for ane year.
,, 10		Act allowing to the Ministers who served befor and in the yeer 1662 the halff of the stipend for that yeer.
,, 13	,, 7	Act dischargeing the importation of strong waters &c.
,, 14	,, 8	Act dischargeing the mixing of tin with lead.
,, 15		Act rescinding a former act passed in the last session of Parliament anent some fies acclamed due to the Lord Lyons office.
,, 18	,, 14	Act imposeing a custome upon corne imported from Ireland into this Kingdome.
,, 19		Act concerning the pardoning and restoreing the childreen of forfeited persons.
,, 23	,, 13	Act for ane new Imposition upon English commodities.
,, 24		Act and Reference to the Privy Councill concerning the imposition layd on English commodities.
,, 25		Act in favours of silkweivers printers, &c.
,, 27		Commission concerning the annual-rents due by persons forfeited by the Usurpers.
,, 28	,, 25	Act regulating the proportions of the Excise in the severall Shires and Burghs.
,, 29	,, 11	Act against exportation of Money forth of the Kingdome.
,, 30	Vol. II., p. 375.	Act rescinding two acts past in the second of this Parliament the one for excepting of persons from public trust and the other for voteing the same by Billets.
,, 31	Cap. 21	Act anent Manses and Gleibs and poinding for Ministers stipends. In part, namely : From "Considering the great" to "Therfor his Majestie," from "Declares that it shall be" to "mercat croces. And," and the words "Thairfor our Soveraigne Lord with advice forsaid."
,, 33		Act concerning the Rideing of the Parliament and the penalties of such as shall be absent from it.
,, 35	,, 12	Act for encouragement of Tillage and Pasturage.
,, 36	,, 22	Act anent Comprisings.
,, 42	,, 26	A humble tender to his Sacred Majestie of the duetie and loyaltie of his antient Kingdome of Scotland.
,, 43	,, 19	Act dischargeing Monday and Saturday mercats in Royall Burghs.
,, 52	,, 16	Act concerning Beggars and Vagabonds.
,, 56	,, 17	Act anent the measure of Coall.
,, 57	,, 18	Act anent the Foot measure.
,, 59		Act concerneing the makeing of Cards.
,, 63	,, 20	Act anent linseed hempseed and steel.
,, 66	,, 15	Act for inbringing his Majesties rents.
,, 72		Commission for ordering the pryces of offices writs and seals.
,, 74		Act suspending execution upon publict debts until the next session of Parliament.
,, 82	,, 29	Act anent penall Status.
,, 83		Act for renewing the Justices of Peace.
1669. Oct. 19.	1669.	Parliamentum apud Edinburgh. Parlt. 2nd.
Cap. 1		Act anent the election of Commissioners from Shires.
,, 3	Cap. 2	Act concerning the Militia.
,, 4	,, 4	Act for registration of instruments of resignation ad remanentiam.
,, 5	,, 4	Act concerning poinding befor the days of the charge expyre. In part, viz. : From "But prejudice always" to "as formerly. And."
,, 6	,, 5	Act for the security of the persons of Ministers.
,, 7	,, 6	Act for the ordering of Suspensions of the Benefices and Stipends of the Clergy. In part, viz. : The words "Archbishop, bishop."
,, 12	,, 7	Act for the Naturalization of Strangers.
,, 14	,, 9	Act concerning Prescriptions. In part, viz. : From "That all arreistments" to "Statuts and Ordaines," where these words next occur.
,, 17	,, 11	Act concerning the forfeiture of persons in the late Rebellion.
,, 18	,, 11	Act concerning the Excise and Customes.
,, 20	,, 14	Act concerning the exportation of corns.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1669. Oct. 19.	1669.	
Cap. 36	Cap. 15	Act for regulateing the prices of ale and drinking beer, and ratifying a former act declaring Maltmen to be no craft &c.
„ 37	„ 16	Act for repairing High Ways and Bridges. In part, namely : From "Considering" to "Estates of Parliament," from "the Shirreff of the Shire" to "heretor therin And"; from "to conveen at the head burgh" to "also to the saids Justices"; and from "and because the work" to the end.
„ 40	„ 19	Act concerning the Confirmation and Quots of Testaments.
„ 41	„ 20	Act for inbringing of Publict dues from the Northern Shyres.
„ 42		Act suspending payment of Publict debts till the next session of Parliament.
„ 115		Act in favours of Printers and Stationers, dischargeing the custome and excise on books imported and exported.
„ 127		Commission anent the regulating of the Commisser Shirreff and other inferior courts of Justice.
„ 132		Commission for Trade.
„ 137	„ 22	Act of Adjournment.
1670. Jul. 22.	1670.	Parliamentum apud Edinburgh. Parlt. 2nd. Sess. 2nd.
Cap. 1	Cap. 1	Act authorizeing certane Commissioners of the Kingdome of Scotland to treat with Commissioners of England for the weel of both Kingdoms.
„ 3	„ 3	Act for raising a supply of 360000 punds Scots offered to his Majestie.
„ 4	„ 4	Act against invading of Ministers.
„ 7		Act concerning legall executions to be used in the touns of Lauder and Dunce.
„ 12	„ 8	Act ratifieing the privilidges of the ordinary Lords of Session.
„ 13	„ 9	Act concerning heigh wayes.
„ 63	„ 11	Act of Adjournment.
1672. Jun. 12.	1672.	Parliamentum apud Edinburgh. Parlt. 2nd. Sess. 3rd.
Cap. 1	Cap. 1	Act for settling the Militia.
„ 3	„ 3	Act Discharging the Importation of Irish Victuall.
„ 4	„ 4	Act for raising a new Supplie of 864000 pounds Scots offered to his Majestie.
„ 5	„ 5	Act concerning the priveledges of Burghs Royall.
„ 6	„ 6	Act discharging second Summonds &c. In part, namely : To "without any change or alteration And," and the word "further."
„ 16	„ 7	Act concerning writs passing the great and privie Seals. In part, viz. : From "Considering how much" to "evill in tyme to come," from "Statute and ordaine that all" to "Lykeas his Maiestie" and the words "with advice forsaid."
„ 17	„ 8	Act concerning Arrestments used within Burghs.
„ 21	„ 10	Act concerning Apparrell.
„ 22	„ 11	Act against such who do not Baptize their Children.
„ 24	„ 13	Act for the Ann due to the Executors of Bishopes and Ministers. In part, namely : Title, the words "Bishopes and". The word "Bishopes."
„ 25	„ 14	Act for the Retouring of taxt Marriages.
„ 40	„ 16	Act concerning the Regulation of the Judicatories. In part, viz. : Art. 1, from "And that according" to "calling for it befor," and from "Excepting onlie," to end. Art. 2 to Art. 15 inclusive. Art. 16. Art. 17. Art. 19, from "And that the Clerk of the Bills" to "they wer mett togidder"; and from "And that the first" to the end. Art. 20 to Art 22 inclusive. Art. 23 and Art. 24. Art. 26. Art. 27. Art. 28 to Art. 30 inclusive. Art. 32, from "And that the Clerks, keipers" to "Junij 1673" and from "upon payment of the dues" to the end. Art. 33.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1672. Jun. 12.	1672.	
Cap. 40	Cap. 16	Act concerning the Regulation of the Judicatories—*continued.* Concerning the Justice Courts. Art. 1. In part, namely: From "the office of" to "five of" and from "four of the" to the end. Art. 2. Art. 5. Art. 9. Art. 11, from "and of the persons" to "the inquest"; and the words "and Assizers" and "or upon the Assize." Concerning the Exchequer. Art. 1 to Art. 4 inclusive. From "And furder" to the end.
,, 42	,, 18	Act for establishing Correction-houses for Idle beggars and Vagabonds.
,, 45	,, 19	Act concerning Adjudications. In part, viz.: From "Considering how far" to "interest of debitors and Creditors" and from "that in place of" to "it is heirby Statute and Ordained"; from "But prejudice allwayes" to "maid theranent;" from "in case the debitor" to "in that case;" and from "Whilke Decreits" to the end.
,, 46	,, 20	Act for imploying vacant Stipends for the Universities.
,, 47	,, 21	Act concerning the priviledges of the office of Lyon King at Armes. In part, viz.: The word "Prelates"; from "For which shall be payed" to "Armes and noe more;" the words "and Bishops;" and from "and that they acquaint" to "contraveiners of the law."
,, 55		Act suspending publict Debts.
,, 58	,, 22	Act against Profaneness.
,, 149	,, 24	Act of Adjournment.
1673.		Parliamentum apud Edinburgh. Parlt. 2nd. Sess. 4th.
Nov. 12.	Vol. II.,	
Cap. 1	p. 517.	Act concerning the preemption and Excise of Salt.
,, 2	,, 519	Act concerning the Importation and Excyse of Brandie.
,, 3	,, 520	Act concerning Apparell.
,, 4	,, 521	Act concerning the Impositione upon Tobacco.
1681. Jul. 28.	1681.	Parliamentum apud Edinburgh. Parlt. 3rd.
Cap. 1	Cap. 1	Act ratifieing all former laws for the security of the Protestant Religion.
,, 3	,, 3	Act for a voluntary Offer of a new Supplie to the Kings Majestie.
,, 10	,, 8	Act for the continuation of the Excise.
,, 11	,, 9	Act against personal Protections.
,, 12	,, 10	Act concerning wives Terces. In part, viz.: From "But prejudice alwaies" to the end.
,, 13	,, 11	Act concerning the registration of Sasines and Reversions of Tenements within Burgh. In part, namely: The words "within Threscore dayes after the date of the same"; from "And that the Toun-Clerk" to "the several Burghs"; the words "within Sixty dayes after the date of the sasine"; and "within the said space of Sixtie days"; and from "And it is hereby Declared" to the end.
,, 78	,, 12	Act for encouraging Trade and Manufactories.
,, 80	,, 14	Act restraining the exorbitant expence of Marriages, Baptisms and burials.
,, 18	,, 15	Act against Assassinations.
,, 82	,, 16	Act concerning the Jurisdiction of the Admiral Court. In part, viz.: From "except the Great Admiral" to "allenerlie," and from "and for the more ready" to the end.
,, 83	,, 17	Act concerning the sale of Bankrupts lands. In part, namely: From "with consent of the debitor" to "ther is no Legal"; from "at the mercat" where these words first occur, to "the Lords deliverance"; the word "Letters" where it next occurs; and from "And the creditors having" to "place of the Roup" where these words last occur.
,, 87	,, 21	Act concerning the Election of Commissioners for Shires.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1681. Jul. 28.	1681.	
Cap. 88	Cap. 22	Act appointing the Quorum of the Justice Court in time of Vacance.
„ 89	„ 23	Act in favours of the Universitie of Saint Andrews appointing halfe a Moneth's Cess to be raised for their use.
„ 90	„ 24	Act ordaining Bread and Butcher flesh to be sold by Weight.
„ 91	„ 25	Additional Act concerning the Test.
„ 92	„ 26	Act concerning publick debts.
„ 93	„ 27	Act anent the prices of French and Spanish Salt.
„ 94		Commission for revising the Laws.
„ 95		Act anent the Lyone King at Arms.
„ 97		Act anent theiking of Houses in Edinburgh and some other Burghs Royall with Lead Sclates, &c.
„ 108		Act for rectification of valuations of the shires and declaring Coal and Salt not to bear any part of the supplie. In part, namely : To "of the Shyre ; And" and from "Providing always" to the end.
„ 109		Act rescinding some Articles of the Regulation concerning Advocats Clerks and Writers.
„ 193	II. 568	Act of Adjournment.
		JAMES VII.
1685. Apr. 23.	1685.	Parliamentum apud Edinburgh. Parlt. 1st.
Cap. 1	Cap. 1	Act for security of the Protestant Religion.
„ 2	„ 2	A Declaration and offer of duty by the Kingdome of Scotland, with ane annexation of the Excise to the Crown.
„ 3	„ 3	Act Concerning Citations in Processes for Treason.
„ 4	„ 4	Act Concerning Witnesses in Processes for Treason.
„ 9	„ 9	Act for the more effectuall payment and inbringing of his Majesty's Rents and Revenues.
„ 10	„ 10	Act concerning Judiciall Confessions before the Commissioners of Justiciary.
„ 12	„ 12	Act of Supply.
„ 22	„ 18	Act concerning Vacant stipends.
„ 23	„ 19	Act ratifieing the Privileges of the Senators of the College of Justice.
„ 24	„ 20	Act for preserving Game.
„ 25	„ 21	Act against Stealing of Dogs and Haulks.
„ 26	„ 22	Act concerning Tailzies. In part, namely : From " And for which Record " to " aires of Tailzie " where these words next occur, and from "It is always hereby declared" to "body of his right."
„ 27		Act for a Commission of Trade.
„ 28		Act concerning Trade and Manufactorys.
„ 32	„ 29	Act concerning Citations before Circuit Courts.
„ 37	„ 32	Act concerning the Militia.
„ 38	„ 34	Act for Poll-money.
„ 41	„ 31	Act for Security of the Officers of State and others.
„ 47	„ 38	Act concerning the Registration of Writs in the Books of Session.
„ 48		Act for a Commission anent the Estate of Archibald Campbel late Earle of Argyle.
„ 49	„ 39	Act in favours of Planters and Inclosers of Ground.
„ 51	„ 41	Act declaring the Greenland Fishing to be a Manufactory.
„ 57		Commission for Regulation of Inferior Judicatories.
„ 59	„ 44	Act for a Standart of Myles.
„ 121	„ 47	Act of Adjournement.
1686. Apr. 29.	1686.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 2nd.
Cap. 3	Cap. 2	Act for the better inbringing of his Majesties Supply.
„ 6	„ 5	Act appoynting the dyets of the Session.
„ 10		Act adding Commissioners for supply for the shyres of Air Dumbartoun and Caithness.
„ 13	„ 8	Additional Act anent Highways and Bridges.
„ 14		Act adding Commissioners of Supply in the shyres of Fyffe and Perth.
„ 16		Act dissolving from the Croun forfaulted lands which held of other Superiors than the King.
„ 20	„ 10	Act ordaining pursuers to furnish the Act to the defenders whereon they are to depone.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1686.	1686.	
Apr. 29.		
Cap. 23		Act appointing the Earl of Murray and Lord Doun conveeners of the Commissioners of Supply in the shyre of Inverness.
,, 26	Cap. 14	Act prohibiting the importing of Irish Victuall and Cattle.
,, 27	,, 15	Act declaring that Inhibitions shall not be prejudged by Recognition.
,, 28	,, 16	Act for burying in Scotts Linnen.
,, 31	,, 23	Commission for Regulation of Judicatories.
,, 32		Act of reference to the Councill anent allowing importatione of prohibited goods.
,, 33	,, 19	Act anent the Registration of Sasines and Reversions. In part, namely: To "Lieges, Therfor," from "Statuts and ordaines That where," to "the Register And," and the words "His Majestie with advice and consent forsaid."
,, 35	,, 20	Act anent the nomination of the Clerk to the Justices of Peace.
,, 38	,, 24	Act anent ane humble offer to his Majesty for ane imposition upon certain commodities for defraying the expence of a free Coynage and other matters relating to the Mint.
,, 39		Act rescinding a Commission granted anent the Estate of Argyle.
,, 40	,, 25	Act rescinding a Clause in the Address made by the Parliament against the late Earle of Argyle.
,, 41	,, 30	Act anent the Measure of Bark.
,, 42		Act rescinding ane act Entituled Act for Security of the Records.
,, 47		Act adding Commissioners for Supply in the Shyres of Edinburgh Forfar Selkirk Kincardin Roxburgh Peebles Berwick and the Stewartry of Kirkcudbright.
,, 48		Act in favours of the Sex Macers of Parliament.
,, 103		Act of Adjournment.
		WILLIAM AND MARY.
		Conventio apud Edinburgh.
1689.	1689.	
Mar. 14.		
Cap. 1	Cap. 2	Act declaring this to be a free and lawful meeting of the Estates.
,, 2	,, 3	Proclamation for bringing in the bygone arrears of the publick Revenue.
,, 3	,, 4	Act for putting the Kingdome in a posture of defence.
,, 4		Act nominating the officers of Militia in the shyre of Berwick.
,, 6	,, 6	Act approving the Address made by the Noblemen and Gentlemen to His Highness the Prince of Orange.
,, 7	,, 7	Proclamation against Papists.
,, 10	,, 8	Act for securing suspect persones.
,, 11		Act for distribution of the Armes amongst the westerne shyres.
,, 12		Act Approving the good services done by severall persones belonging to Glasgow Argyle and uther western shyres.
,, 13		Act in favors of the inhabitants of Glasgow.
Vol. IX., p. 22.	,, 10	The nomination of the Committee Elected for settling the Government.
Cap. 15	,, 11	Proclamation for calling together the Militia on this syde of Tay and the fencible men in some shyres.
,, 16		Act anent the Militia Men in the Towne of Edinburgh.
,, 20		Act in favors of the Toune of Edinburgh.
,, 21		Act anent transporting of Armes to Glasgow.
,, 22		Act for a new Nomination of Magistrates in the Towne of Edinburgh.
,, 23	,, 12	Warrand to the Duke of Hamilton to secure suspect persons.
,, 24		Act appoynting the shireffe fiers to be the pryce of victuall payable to the Exchequer for the Cropt 1688.
,, 27		Act in favors of the Heretors within the Towne of Glasgow.
,, 29	,, 14	Proclamation declaring William and Mary King and Queen of England to be King and Queen of Scotland.
,, 30	,, 15	Act declaring that the Estates are to continue in the Government until the King and Queen of England accept the Croune.
,, 32		Act for a new election of Magistrates in toun of Dundee.
,, 33		Proclamation ordaining the absent Members from the Meeting of the Estates to attend.
,, 34	,, 16	Proclamation against owning of the late King James and appoynting publick prayers for William and Mary King and Queen of Scotland.
,, 35	,, 17	Additional Warrand for publishing the proclamation of William and Mary King and Queen of Scotland.
,, 36		Act anent the Militia.
,, 38	,, 19	Warrand for ane Embargo upon ships and other vessells on the Westerne Coast of Scotland.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1689. Mar. 14.	1689.	
Cap. 43.		Act in favours of the Good Towne of Edinburgh for disbanding the Company under the command of Captain Grahame.
„ 44		Act for a new Election of Magistrates in the Burgh of Rothesay.
„ 45	Cap. 20	Act for a levy of Horsemen out of the severall shyres of the Kingdom.
„ 46	„ 21	The Oath to be administered to the King and Queen at their acceptance of the Croune.
„ 47		Act in favours of the British Protestants comed from Ireland.
„ 48	„ 22	Act for a new Election of Magistrates in the severall Royall Burghes.
„ 49	„ 23	Act for levying some Regiments of foot.
„ 50		Act for a new Election of Magistrates in Irvine.
„ 51		Additional Act concerning the Embargo.
„ 52		Act for valueing the two ships ordered to be fitted out for the public service.
„ 54	„ 24	Act for Modelling the 500 horses in ten troopes.
„ 55		Act and Commission in favours of His Grace the Duke of Hamiltoun for a Garrisone in the Castle of Arran.
„ 56		Act and Commission in favours of the Earl Marishall for a Garrisone in the Castle of Dunnotter.
„ 57	„ 25	Act ordering ane Embargo on all ships.
„ 58		Act ordering the Rates of oates hay & straw for His Majesties forces.
„ 60	„ 26	Act nominating Commissioners to treate concerning the Union of the Two Kingdomes.
„ 61	„ 28	Act nominating persones to attend their Majesties with the offer of the Croune.
„ 68	„ 31	A Proclamation for a Publick Thanksgiving.
„ 69		Act in favors of the Collector of the Customes and Excyse at Leith.
„ 74	„ 32	Act for raising Four Moneths Supply.
„ 75	„ 33	Act in favors of the Vassalls & Creditors of forfaulted persones.
„ 79	„ 34	Act for a voluntar Contribution to the Irish and French Protestants.
„ 80	„ 35	Commission to the Committee of Estates.
„ 81		Act in favors of the Magistrates of Air.
„ 84	„ 36	Act of Adjournment of the Meeting of Estates.
„ 85		Proclamation requyring the absent Members to attend.
„ 86		Act for a new meeting of the Commissioners of Supply in some shyres.
„ 87		Act containing a new Nomination of Commissioners for the Supply in the shyre of Aberdeen.
„ 90		Act concerning the late Election of Magistrates in the burgh of Montrose.
„ 91		Act and Warrand for a new Election of Commissioners for the shyre of Rosse.
„ 92		Act in favors of some Noblemen and Gentlemen for raising fencible men within the shyre of Fyfe.
„ 93		Act in favors of the Commissioners of Supply of the shyre of Dumbartoun.
„ 95		Act in favors of the Inhabitants of the Toun of Glasgow.
Vol. IX., p. 93.	„ 37	Warrant to the Duke of Hamilton to draw Precepts for paying the Forces.
Cap. 97	„ 40	Act Adjourning the Meeting of the Estates to the fyfth of June.
1689. Jun. 5.		Parliamentum apud Edinburgh. Parlt. 1st.
Cap. 1	„ 1	Act declaring the Meeting of the Estates to be a Parliament.
„ 2	„ 2	Act Recognizing their Majesties Royall Authoritie and for taking the Oath of Alledgeance.
„ 3		Proclamation requyring the absent members to attend the Parliament.
„ 4	„ 3	Act abolishing Prelacie. In part, namely: From "And hereby rescinds" to the end.
„ 5		Act for furnishing Baggage horses to the Army.
„ 7		Act authorizing the Councill to call out the Heretors and fensible men.
Vol. IX., p. 106.	„ 6	Act of Adjournment.
1690. Apr. 15.	1690.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 2nd.
Cap. 1	Cap. 1	Act Rescinding the first Act of the Second Parliament 1669.
„ 2	„ 2	Act restoreing the Presbyterian Ministers who were thrust from their Churches since the 1st of January, 1661.
„ 3	„ 3	Act concerning the Election of Committees of Parliament.
„ 6		Act adjourning the Courts of Judicature untill the first of July.
„ 7	„ 5	Act ratifying the Confession of Faith and settling Presbyterian Church Government. In part, namely: From "Lykeas, In pursuance" to "take further course therewith."

Record Edition.	12mo Edition	Title of Enactment and Extent of Repeal.
1690. Apr. 15.	1690.	
Cap. 8	Cap. 6	Act for raising a Supply offered to their Majesties.
,, 10		Proclamation for a Publick Fast.
,, 11	,, 8	Act anent the Commissioners of Supply who do not take the Oath of Allegiance.
,, 12	,, 9	Act for Poll Money for relief of the Heritors.
,, 13	,, 10	Act for ane Additional Supply out of the annual rent of Money.
,, 14	,, 11	Act for ane additional Representation in Parliament of the greater Shyres of this Kingdome.
,, 15	,, 12	Act in favors of the Royall Burrowes.
,, 17	,, 14	Act Impowering the Privy Councill to put the Oath of Allegiance to suspect persons or to secure them.
,, 23		Act concerning the sitting of the Session and inferior Courts.
,, 25	,, 17	Act for visitation of Universities Colledges and Schoolls.
,, 26	,, 18	Act Rescinding the Forefaultures and Fynes since the year 1665.
,, 37		Act adding Commissioners of Supply in the shyre of Cromarty.
,, 45		Act in favours of the Toune of Glasgow anent the sale of some part of their Common Good.
,, 48	,, 19	Act of Dissolution of the forefaulted Lands annexed to the Crowne in the Reigne of the late King James.
,, 51		Act anent the Coynage of Copper.
,, 53	,, 23	Act concerning Patronages. In part, namely: From "considering that" to "continued in this Realme"; the word "Therefore" next thereafter occurring; from "Discharge, cass annull" to "with advyce and consent forsaid" where these words lastly occur; and the word "said" twice occurring next thereafter.
,, 54	,, 24	Act concerning Vacant Stipends in the Synod of Argyle.
,, 55	,, 25	Act against Profaneness.
,, 57	,, 27	Act Rescinding the laws for Conformity.
,, 58	,, 28	Act Rescinding severall Acts of Parliament as useless or hurtfull.
,, 60	,, 31	Act Rescinding Forfaultures in absence before the Justice Court preceiding the year 1669 and restoring Caldwell and Kersland and Mr. William Veitch.
,, 61	,, 32	Act in favours of the small vassalls of Kirklands who now hold of their Majesties. In part, namely: To "Exchequer or other dewes, And."
,, 62		Act anent the Executione of Poyndings in Galloway.
,, 96	,, 42	Act anent the retoured duty of Annual rents.
,, 97	,, 40	Act anent short Prescriptions of Adjudications and others.
,, 98	,, 39	Act anent Removing from Land.
,, 99	,, 38	Act for Security of their Majesties Government.
,, 100	,, 37	Act anent persons killed in the Kings Host.
,, 101	,, 36	Act anent the Mint.
,, 102	,, 35	Act anent Ministers that have not prayed for the King and Queen.
,, 103	,, 34	Act annulling the gift of Erection of the Royall Company of the Fishery.
,, 104	,, 33	Act for security of the Creditors Vassalls and heirs of Entail of persons forefaulted.
,, 105	,, 43	Remit of the Proces of Treason to the Lords of Justiciary.
Vol. IX., p. 230.	,, 45	Act of Adjournment.
		Parliamentum apud Edinbugh. Parlt. 1st. Sess. 3rd.
1690. Sept. 3.	1690.	
Cap. 2	Cap. 4	Act for Repressing the Depredations in the Highlands.
,, 3	,, 3	Act against robbing of the Pacquet.
,, 5	,, 2	Act and Offer to their Majesties of Three Moneths Cess and Hearth money in liew of the sixth part of Annuall rents.
,, 6	,, 1	Act for uulawing and amerciating Members absent from Parliaments or Conventions of Estates or from the dyets thereof.
,, 7		Act appointing the Commissioners of Supply to meet at the Michaelmas head Court.
,, 8		Act for Electing Additionall Commissioners in some Shyres.
Vol. IX., p. 238.	,, 6	Act of Adjournment.
		Parliamentum apud Edinburgh. Parlt. 1st. Sess. 4th.
1693. Apr. 18.	1693.	
Cap. 1		Act concerning the Members who have not signed the Assurance.
,, 2		Act against the Members who have not taken the oath of Allegiance.
,, 3		Act fyning the absent Barons and Burrowes.
,, 4		Act fyning the absent Noblemen.
,, 6	Cap. 1	Act for a Monethly Fast.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1693. Apr. 18.	1693.	
Cap. 8	Cap. 2	Act for a new Supply out of the Land Rent.
,, 9		Act for Levying of Seamen.
,, 10	,, 3	Act for ane additional Excise.
,, 11	,, 4	Act anent false Musters and free Quarters and anent due paying of their Majesties Forces.
,, 12	,, 5	Act anent the loyall Cureing and Packing of Herring and Salmond Fish.
,, 15	,, 7	Act for the Levy.
,, 16	,, 8	Act against Correspondence with France.
,, 17	,, 9	Act for Pole Money.
,, 18	,, 10	Act ordering Quartering for the Bishops Rents in the Bounds of the Synod of Argyle and the Isles.
,, 20	,, 11	Act Adjourning the Session to the First of November.
,, 21	,, 12	Act concerning Citations to the first and second Dyets. In part, namely : To "And further."
,, 29	,, 16	Act explanatory anent the Additional Excise.
,, 30	,, 17	Act anent advising Concluded Causes.
,, 31	,, 18	Act anent the Signing of Interlocutors immediately after voting. In part, viz. : From the words "in all points" to "go to the vote and"; and the word "that" between "Dyet" and "the Interloquitor."
,, 32	,, 19	Act anent the Lords of Session sitting in the Outer-house by turns.
,, 33	,, 20	Act anent Advocats their Subscribing the Minutes of Debate.
,, 34	,, 21	Act anent the Lord Ordinar his not leaving the Outer bench.
,, 37		Act prorogating the Monethly Fast within the Town and Suburbs of Edinburgh.
,, 38	,, 22	Act for Settling the Quiet and Peace of the Church. In part, namely : From "for the more effectuall Settleing" to "said Office And lastly."
,, 39	,, 23	Act Renewing the Commission for Plantation of Kirks and Valuation of Teinds. In part, namely : From "and it being fitt and convenient" to the end.
,, 42	,, 26	Act anent the Lords of Session their advising with open doors. In part, namely : From "and hereby casses" to the end.
,, 45	,, 28	Act anent the Common Good of Royall Burrowes. In part, viz. : From "and for preventing the like" to "that doe affect the samen;" and the words "both of Merchants and Deacons of Crafts."
,, 46	,, 31	Act anent Forfaulted Persons.
,, 48	,, 29	Act anent the right making and measuring of Linen Cloath.
,, 49		Act in favours of the Manufactury of baises and Erecting them in a free Incorporation.
,, 50	,, 32	Act for Encouraging of Forraigne Trade.
,, 51	,, 30	Act and Ratification anent the Communication of Trade to Burghs of Barony and Regality. In part, namely : From "and their Majesties with consent forsaid" to the end.
,, 60	,, 37	Act Prorogating the Dyet for Ministers to take the Oath of Alledgeance and Assurance.
,, 61	,, 38	Additional Act ordaining the Lords of Session to judge summarly anent the persons restored against their Forfaultures.
,, 62	,, 39	Act for the Justiciary in the Highlands.
,, 64	,, 40	Act against Profaneness.
,, 67	,, 41	Act altering the Quorum of the Commission for visitation of Universities Colledges and Schools.
,, 71	,, 33	Act anent Resetting and Intercommuning with declared Traitors.
,, 72	,, 34	Commission for Regulation of Judicatories.
,, 73	,, 35	Act anent Procuratories of Resignation and Precepts of Sasine.
Vol. IX., p. 346.	,, 43	Act of Adjournment.
1695. Mai. 9.	1695.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 5th.
Cap. 1	Cap. 1	Act for a Solemn Fast.
,, 4	,, 2	Act Regulating Citations before the Parliament.
,, 5	,, 3	Act Adjourning the Summer Session till the first of July.
,, 6	,, 4	Act anent the Justice Court. In part, viz. : From "And that after the said dispute" to "shall proceed to the advising"; and from "And it is further hereby statute" to the end.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1695. Mai. 9. Cap. 8	1695. Cap. 6	Act regulation the sale and Payment of Bankrupts Estates. In part, viz. : From "in the hands of the Magistrats" to "compleat payment thereof"; the words "in manner forsaid" twice thereafter occurring; and from "And further His Majesty" to "may affect the purchase."
,, 9	,, 7	Act for Six Months Supply upon the Land Rent.
,, 10	,, 8	Act for a Company Tradeing to Affrica and the Indies.
,, 11	,, 9	Act adjourning the Session till the first day of November 1695.
,, 12	,, 10	Act for Pole Money.
,, 16	,, 13	Act against Prophaneness.
,, 17	,, 14	Act for Restraining the Profanation of the Lords Day by keeping weekly Mercats on Monday and Saturday.
,, 27	,, 16	Act anent the ease of annual rents due by Persons restored and anent the Creditors diligence to be used against them.
,, 28	,, 17	Act anent the Mint.
,, 29	,, 18	Act anent the Quorum of the Commission for Plantation of Kirks and Valuation of Teinds.
,, 32	,, 21	Explanatory Act anent the Excise of Brandy.
,, 35	,, 22	Act against Intruding into Churches without a Legall Call and Admission thereto. In part, namely : The words "from the Heretors and Eldership" and from "Likas His Majesty Doth" to the end.
,, 36	,, 23	Act anent Lands lying Run-rig. In part, viz. : The words "Stewarts and Lords of Regality."
,, 39	,, 24	Act for Obviating the fraud of Appearand Heirs.
,, 40	,, 25	Act anent the Repetition of Fines.
,, 42	,, 26	Act discharging Popish Persons to prejudge their Protestant Heirs in Succession.
,, 51	,, 27	Act concerning the Church. In part, viz. : From "being sensible of the hurt" to "good to allow, and"; from "hereby allowes to all Ministers" to "notwithstanding. And His Majesty with consent forsaid"; and from "And lastly" to the end.
,, 52	,, 28	Act for the Additional and Annexed Excises.
,, 53	,, 29	Act for continuing the Additional Excise till March 1697 with three Moneths farther Cess.
,, 55	,, 31	Act for Turning the Tack of the Pole 1693 into a Collection.
,, 57		Act and Commission for Reviseing the laws and practiques of this Kingdom.
,, 63	,, 32	Act for Encouraging the Exportation of Victual.
,, 64	,, 33	Act for the Levies.
,, 65	,, 34	Act for Additional Imposition upon Forraign Commodities imported.
,, 66	,, 35	Act anent Burying in Scots Linen.
,, 67	,, 36	Act anent the Skinners.
,, 68	,, 37	Act anent the Justiciary of the Highlands.
,, 71	,, 40	Act anent Letters passing the Signet. In part, viz. : The words "and Letters of Citation before the Parliament."
,, 73	,, 42	Act allowing the Administrators of the Common good of Burrowes to Adventure their Stocks or any part thereof in the Company of Forraign Trade.
,, 74	,, 43	Act for Reviving the Acts of Councill anent the Poor.
Vol. IX., p. 523.	,, 45	Act of Adjournment.
1696. Sept. 8. Cap. 1	1696. Cap. 1	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 6th. Act anent the Supply of Eighteen Moneths Cess upon the Land Rent.
,, 2	,, 2	Act for an Additional Excise.
,, 3	,, 3	Act appointing the Association to be Subscribed by all persons in publict trust.
,, 4	,, 4	Act for regulateing Deeds done on death bed.
,, 5	,, 5	Act for declaring nottour Bankrupt. In part, namely : The words "or retire to the Abbey or any other privileged place," "or retireing" and "retireing."
,, 6	,, 6	Act for Selling of Meal by weight.
,, 7	,, 7	Act allowing the Venting of Rum.
,, 9	,, 9	Act of Prescription anent Tutors and Curators accompts. In part, namely : From "as also that" to the end.
,, 10	,, 10	Act that no Law pass at the first reading.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1696. Sept. 8.	1696.	
Cap. 11	Cap. 11	Act Explanatory of the Act 1695 Entituled Act for obviating the fraud of Appearand Heirs.
,, 12	,, 12	Act anent the Privileges of Burghs of Regality and Barrony as to the Cureing and packing of Salmond fish.
,, 18	,, 18	Act anent Registration of Seasins and other writts and diligences. In part, namely : From "and that notwithstanding" to "Articles of the said Act."
,, 19	,, 19	Act for Registrating of Summonds that shall be made use of for Interruptions. In part, namely : The words "upon a bill"; from "in a particular Register" to "keept at Edinburgh;" from "And that this registration" to "keept in books apart"; from "and allows" to "Hornings and Inhibitions"; and from "And His Majestie" to the end.
,, 21	,, 21	Act anent Aliments.
,, 22	,, 22	Act for Expenses in Suspensions.
,, 23	,, 23	Act anent the Levy of a Thousand men.
,, 24	,, 24	Act for the better payment of the Creditors on forfault Estates.
,, 27	,, 27	Act approving the Proclamation of Council for encourageing the Import of Victuall.
,, 28	,, 28	Act anent Protestant Servants in Popish Families.
,, 29	,, 29	Act for the better provideing the Poor and repressing of Beggars.
,, 30	,, 30	Act ratifieing the Proclamation of Council anent the Pole 1695.
,, 31	,, 31	Act against Prophaneness.
,, 32	,, 32	Act anent the Aliment of poor prisoners.
,, 35	,, 33	Act against Killers of Black Fish and Destroyers of the Fry and Smolts of Salmond. In part, namely : To "discovery of the delinquents and"; and from "under the pains" to the end.
,, 36	,, 34	Act appointing Proclamations and other Legall Executions within the Stewartry of Monteith to be published and execute at the mercat cross of Doun in place of the Tapaltae.
,, 39	,, 37	Act anent the Measuring of Malt.
,, 40	,, 38	Act anent the old Fourteen shilling pieces and their Halfs.
,, 43	,, 40	Act Prorogating the Commission of Justiciary for the Highlands.
,, 44	,, 41	Act declaring Minors free from Personall Execution for Civill Causes during their Pupillarity.
,, 45	,, 42	Act against false Coyning and Clipping of Money.
,, 46	,, 43	Act discharging the makeing use of Salt in brewing Ale or Beer.
,, 47	,, 44	Act for makeing Salt upon Salt.
Vol. X., p. 112.	,, 46	Act of Adjournment.
1698. Jul. 19.	1698.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 7th.
Cap. 1	Cap. 1	Act anent the Supply of Sixteen Months Cess upon the Land Rent.
,, 4	,, 4	Act concerning Registration of Probative Writs. In part, namely : The words "and the principall to be given back to the partie."
,, 5	,, 5	Act in favors of Minors anent Registrating Summonds and Instruments of Interruption.
,, 6	,, 6	Act against Clandestine and Irregular Marriages. In part, namely :— From "Acts of Parliament" to "viz. The," from "and 12 Act" to "current Parliament," and the words "and 1695."
,, 7	,, 7	Act Dischargeing the Wearing of Gold and Silver Lace.
,, 9	,, 9	Act anent Quartering of Souldiers.
,, 10	,, 10	Act anent Quartering for Deficiency.
,, 11	,, 11	Act for the Ease of small Vassalls of Bishops Lands now holden of the King. In part, viz. : The words "and precepts for infefting of their heirs"; and the words "or Baillies of Regality," and "or Baillies of Regalitie."
,, 12	,, 12	Act anent Pole Money.
,, 14		Act in favors of the Four Ordinary Macers of the Session.
,, 33	,, 14	Act in favors of the Senators of the Colledge of Justice.
,, 34	,, 15	Act for preserving the Game.
,, 36	,, 17	Act anent Persons going to and returning from France.
,, 37	,, 18	Act anent the Tunnage.
,, 38	,, 19	Act regulating the Trade betwixt burghs Royall and Burghs of Regality Barony and others.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1698. Jul. 19.	1698.	
Cap. 39	Cap. 20	Act for settleing the Communication of Trade. In part, namely: From "and especially about" to "mentioned in the said Act"; and from "that in the terms declared" to "with advyce and consent forsaid."
,, 40	,, 21	Act anent the Poor.
,, 41	,, 22	Act against Personal Protections.
,, 42	,, 23	Act anent the Excyse of Brandie.
,, 43	,, 24	Act for the Encouragement of White fishing and Herring fishing.
,, 44	,, 25	Act continueing the Pole.
,, 47	,, 26	Act and Remit to the Commission of the Pole.
Vol. X., p. 182.	,, 28	Act of Adjournment.
		Parliamentum apud Edinburgh. Parlt. 1st. Sess. 9th.
1700. Oct. 29.	1700.	
Cap. 1	Cap. 1	Act Adjourning the Session to the first Tuesday of December.
,, 2	,, 2	Act for Secureing the Protestant Religion and Presbyterian Government.
,, 3	,, 3	Act for preventing the grouth of Popery.
,, 4	,, 4	Act Adjourning the Session till the first of January.
,, 5	,, 5	Act adjourning the Session to the twenty eight day of January next.
1701. Jan. 31.	1701.	
Cap. 6	Cap. 6	Act for preventing wrongous Imprisonments and against undue delayes in Tryals. In part, viz.: From "And to the effect that" to "the like penalty of wrongous imprisonment"; from "And siklike it is hereby" to "anything in this Act notwithstanding"; and the words "parties disobedient or contumacious to Church censures."
,, 7	,, 7	Act Rescinding the Act of Parliament 1663 asserting the Kings prerogative in the ordering of Trade.
,, 8	,, 8	Act Discharging the importing and wearing of Forreign Woollen Manufacture.
,, 9	,, 9	Act Discharging the Exportation of Wool.
,, 11	,, 10	Act Dischargeing Wine Brandie and all other Liquors of the grouth of France.
,, 12	,, 11	Act against Profaneness.
,, 13	,, 12	Act prohibiteing the Importing of Silk Stuffs and others.
,, 14	,, 13	Act in favors of the African and Indian Company.
,, 15	,, 14	Act Dischargeing the Quots of Testaments.
,, 16	,, 15	Act for a Supply of Twelve Moneths Cess upon the land rent.
,, 53	,, 16	Act and Commission anent the Pole.
,, 54	,, 18	Act of Adjournment.
		ANNE.
		Parliamentum apud Edinburgh.
1702. Jun. 9.	1702.	
Cap. 1	Cap. 1	Act recognizeing her Majesties Royall Authority.
,, 2	,, 2	Act Adjourning the Session till the first of July next.
,, 3	,, 3	Act for Secureing the true Protestant Religion and Presbyterian Government.
,, 4	,, 4	Act Declaring the present meeting of Parliament to be a lawfull and free meeting of Parliament.
,, 5	,, 5	Act for a National Fast.
,, 6	,, 6	Act anent the Supply of Ten Months and a halfs Cess upon the Land Rent.
,, 7	,, 7	Act enabling her Majesty to appoint Commissioners to treat for an Union betwixt the two Kingdoms of Scotland and England.
,, 8	,, 8	Act for the Justiciary in the Highlands.
Vol. XI., p. 28.	,, 9	Act of Adjournment.
		Parliamentum apud Edinburgh.
1703. Mai. 6.	1703.	
Cap. 1	Cap. 1	Act Asserting and Recognizeing her Majesties Authority.
,, 2	,, 2	Act for Secureing the true Protestant Religion and Presbyterian Government.
,, 3	,, 3	Act Ratifieing the turning the meeting of the Estates in the year 1689 into a Parliament.
,, 4	,, 4	Act anent Leesing Makers and Slanderers.
,, 7	,, 6	Act and Commission anent the Public Accounts.
,, 8	,, 7	Act Dischargeing Butchers to be Grasiers, &c.
,, 9	,, 8	Act in favors of the Company trading to Africa and the Indies.
,, 10	,, 9	Act Dischargeing Importation of Irish Victual Beef and Cattle.
,, 11	,, 10	Act continuing the Prohibition of Exporting English or Irish Wool till the next Session of Parliament inclusive.
,, 13	,, 11	Act allowing the Importation of Wines and other Foreign Liquors.

Record Edition.	12mo Edition.	Title of Enactment and Extent of Repeal.
1704. Jul. 6.	1704.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 2nd.
Cap. 1	Cap. 1	Act Adjourning the Session.
„ 4	„ 4	Act anent the Supply of Six Moneths Cess upon the Land Rent.
„ 5	„ 5	Act in favors of the Five Lords Commissioners of the Justiciary.
„ 6	„ 6	Act allowing the Exportation of Wool, &c.
„ 7	„ 7	Act continuing the Commission for the Publick Accounts.
„ 9	„ 8	Act for an Imposition on Foreign Ships that come into this Kingdom for bearing the charges of finishing the Maps and description of the Sea coasts and Isles &c.
1705. Jun. 28.	1705.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 3rd.
Cap. 47	Cap. 1	Act Discharging the Importation of English Irish and Forreign Butter and Cheese.
„ 48	„ 2	Act for advancing and establishing the Fishing Trade in and about this Kingdom. In part, namely : From "And for the better carrying on" to the end.
„ 49	„ 3	Act appointing a Council of Trade.
„ 50	„ 4	Act for a Treaty with England.
„ 51	„ 5	Act for incouraging the Exportation of Beef and Pork.
„ 52	„ 6	Act Declaring Linnen and Woollen Manufacture free of duty at Exportation.
„ 53	„ 7	Act for a Supply of Seven Months Cess out of the Land Rent.
Vol. XI., p. 299.	„ 10	Act of Adjournment.
1706. Oct. 3.	1706.	Parliamentum apud Edinburgh. Parlt. 1st. Sess. 4th.
Cap. 1	Cap. 1	Act Adjourning the Session till the first day of December next.
„ 2	„ 2	Act for a Supply of Eight Months Cess out of the Land Rent.
„ 3	„ 3	Act against all Musters and Rendevouzes during the present Session of Parliament without Her Majesties special command.
„ 4	„ 4	Act adjurneing the Session to the first day of January next and continueing the sitting thereof from the last of February to the last day of March next inclusive.
1707. Jan. 2.	1707.	
Cap. 5	Cap. 5	Act Adjourning the Session to the fourth day of February next to come.
Oct. 3.		
Cap. 7	„ 7	Act Ratifying and Approving the Treaty of Union of the Two Kingdoms of Scotland and England. In part, namely : Art. v. Art. vi. from "And seeing" to the end. Art. viii. Arts. x. to xv. Art. xvi., from "And a mint" to the end. Art. xvii. Art. xix., from "And that after the Union" to the end. Art. xxii., from "And that when" to the end.
„ 8	„ 8	Act Settling the manner of Electing the Sixteen Peers and Forty Five Commoners to Represent Scotland in the Parliament of Great Britain. In part, namely : From "and that of the" to "his or their place," and from "and Protestant excluding" to the end.
„ 10	„ 9	Act anent Plantation of Kirks and Valuation of Teinds. In part, namely : The words "each Wednesday in the afternoon"; and from "And also declaring" to "and none else."
„ 11	„ 10	Act Discharging Musters and Rendezvouzes till the first day of January next and Prorogating the Suspension of the clause in the Act of Security thereanent till the said time.
„ 91	„ 13	Act for preserving the Game. In part, namely : To "as above As also" and from "And if any common Fowller" to the end.
„ 94	„ 14	Act for Burying in Woollen.
„ 96	„ 15	Act concerning the Payment of the Sums out of the Equivalent to the African Company.
„ 97	„ 16	Act concerning the Publick Debts.
Vol. XI., p. 491.	„ 18	Act of Adjournment.

APPENDIX.

TABLE OF ALTERATIONS

ON

THE SCOTS STATUTES REVISED

AND ON

THE SCOTS STATUTES

BY THE LEGISLATION OF

6 EDWARD VII. (1906).

NOTE.—The Scots Statutes Revised *are referred to by the Volume and Page; and* The Scots Statutes *by the Year and Page.*

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
II.	68	6 G. IV. c. 48	Sec. 27 repealed by 6 E. VII. c. 16, sec. 5 (2).
III.	358	14 & 15 V. c. 42	President of Board of Agriculture to be additional Commissioner of Woods, 6 E. VII. c. 28, sec. 1.
,,	361	14 & 15 V. c. 42	Power to transfer management of Richmond and Kew Greens to Council of Borough, 6 E. VII. c. 28, sec. 7.
,,	454	16 & 17 V. c. 69	Sec. 16 extended to Naval Reserves by 6 E. VII. c. 5, sec. 3.
IV.	77	19 & 20 V. c. 56	Sec. 43 repealed by 6 E. VII. c. 20, sec. 12.
,,	463	26 & 27 V. c. 7	Sec. 1 amended by 6 E. VII. c. 8, sec. 2 (3).
,,	528	26 & 27 V. c. 100	Repealed by 6 E. VII. c. 32, sec. 10.
V.	150	29 & 30 V. c. 62	Sec. 1 extended by 6 E. VII. c. 28, sec. 4.
,,	522	33 & 34 V. c. 52	Bribery added to list of Extradition Crimes by 6 E. VII. c. 15, sec. 1.
VI.	29	34 & 35 V. c. 56	Sec. 2 extended to dogs having injured cattle or chased sheep, 6 E. VII. c. 32, sec. 1 (4). Sec. 1 and sec. 5, from the expression "Police District" to the end of the sec., repealed by sec. 10 of said Act.
,,	392	39 & 40 V. c. 36	Sec. 233 extended to include Saccharin by 6 E. VII. c. 20, sec. 5.
,,	354	39 & 40 V. c. 36	Power to Grant Licences removing Restriction under sec. 42 on Importation of Tobacco in Ships under 120 tons, 6 E. VII. c. 20, sec. 6.
,,	460	40 & 41 V. c. 2	Extension of 3 months to issue Treasury Bills under sec. 6 by 6 E. VII. c. 20, sec. 10.
,,	518	41 & 42 V. c. 15	Sheriff's consent required for exemption from Dog Licence under sec. 22 by 6 E. VII. c. 32, sec. 5.
VII.	119, 120, 121.	43 & 44 V. c. 24	Supplemental Amendments on secs. 121, 125 (1), 130 and (1) and (2) by 6 E. VII. c. 20, sec. 2. "One-nineteenth" substituted for "one-ninth" in sec. 123 (3) by sec. 1 (3) of said Act. Such quantity as Commissioners may authorise by regulation be substituted for fifty gallons in sec. 126 (c) and for one gallon in secs. (E) and (F) by sec. 1 (5) also of said Act.

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
VII.	150	43 & 44 V. c. 47	Right of occupiers of Moorlands, &c., to kill Ground Game under secs. 1 (3) and 3 extended by 6 E. VII. c. 21, secs. 2 and 3.
,,	175	44 & 45 V. c. 37	Repealed by 6 E. VII. c. 14, sec. 30.
,,	300	45 & 46 V. c. 48	Extended to men when outside the United Kingdom, sec. 14 (2) repealed from and after the words "so however," non-retrospective, 6 E. VII. c. 11, sec. 2; sec. 20 extended by sec. 1 (2) of said Act.
,,	365	45 & 46 V. c. 61	Sec. 82 amended by 6 E. VII. c. 17, sec. 1.
,,	491	46 & 47 V. c. 58	Sec. 4 extended to Foreign States and British Protectorates by 6 E. VII. c. 4, sec. 1.
VIII.	538	54 & 55 V. c. 39	10/- substituted for duties under heading Award or Decreet-Arbitral in First Schedule by 6 E. VII. c. 20, sec. 9.
,,	602	55 & 56 V. c. 30	Repealed by 6 E. VII. c. 14, sec. 30.
,,	707	55 & 56 V. c. 55	Sec. 390 repealed by 6 E. VII. c. 32, sec. 10.
IX.	49	56 & 57 V. c. 56	Repealed, non-retrospective, 6 E. VII. c. 27, sec. 13.
,,	135	57 & 58 V. c. 57	Power of Board of Agriculture to make Orders about Dogs under sec. 22 extended by 6 E. VII. c. 32, sec. 2.
,,	409	58 V. c. 36	Sec. 4 (7) and (10) repealed and new enactments in lieu thereof, 6 E. VII. c. 35, secs. 2 and 4.
X.	101	63 V. c. 7	Continuance of additional Customs, Duties, and Drawbacks on tobacco, beer, and spirits imposed under secs. 2/7 by 6 E. VII. c. 8, secs. 4 and 5.
Scots Statutes. Year.	Page.		
1901	8	1 E. VII. c. 7	Sec. 3 and the Fourth Schedule as from 1st November, 1906, repealed by 6 E. VII. c. 8, sec. 8.
1902	6	2 E. VII. c. 7	"By" substituted for "without" in sec. 5 (2) by 6 E. VII. c. 20, sec. 8, and sec. 8 amended by sec. 1 of said Act.
1904	6	4 E. VII. c. 7	½d. substituted for 3d. on shipped tobacco under sec. 2 (1), sec. 2 (2) repealed, and First Schedule substituted by Schedule to 6 E. VII. c. 8, sec. 2 (2).
1904	27	4 E. VII. c. 24	Act continued to 31st December, 1909, and sec. 6 repealed by 6 E. VII. c. 16, sec. 1.
1904	8	4 E. VII. c. 7	Sec. 9 extended to include Insurance Companies in Great Britain or Ireland, 6 E. VII. c. 20, sec. 11.

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THE

SCOTS STATUTES 1906

(AUTUMN SESSION)

PASSED IN THE SIXTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

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[29*th November* 1906.]

CHAPTER XL.

MARRIAGE WITH FOREIGNERS ACT, 1906 (s. 7).

[6 Edw. 7. Ch. 40.]

ARRANGEMENT OF SECTIONS.

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1. Marriages of British subjects with foreigners abroad.
2. Marriage of foreigners with British subjects in the United Kingdom.
3. Power to make general regulations.
4. Interpretation.
5. Application to Scotland.
6. Application to Ireland.
7. Short title.

SCHEDULE.

CHAPTER XL.

Marriage with Foreigners Act, 1906.

An Act to amend the Law with respect to Marriages between British Subjects and Foreigners. [29*th November* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—Marriages of British Subjects with Foreigners Abroad.—(1) Any British subject who desires to be married in a foreign country to a foreigner according to the law of that country may, if it is desired for the purpose of complying with the requirement of the law of that country to obtain the certificate hereinafter mentioned, give notice of the marriage, if resident in the United Kingdom, to the registrar, and if resident abroad, to the marriage officer, and apply to the registrar or officer for a certificate that after proper notices have been given no legal impediment to the marriage has been shown to the registrar or officer to exist, and the registrar or officer shall, after the conditions set out in the Schedule to this Act have been complied with, give the certificate applied for unless the certificate is forbidden or a caveat is in operation as provided in that Schedule, or some legal impediment to the marriage is shown to the registrar or officer to exist.

(2) If a person—

(*a*) knowingly and wilfully makes a false oath or signs a false notice of marriage for the purpose of a certificate under this section; or

(*b*) forbids the granting of a certificate under this section by falsely representing himself to be a person who is authorised to forbid the certificate, knowing that representation to be false,

that person shall be guilty of perjury, and if the offence is committed abroad, may be tried in any county or place in the United Kingdom in which the offender may be, and dealt with in the same manner in all respects as if the offence had been committed in that county or place.

(3) If any person enters a caveat on grounds which the registrar or officer or, in case of appeal, the Registrar-General declares to be frivolous, that person shall be liable to pay as a debt to the applicant for the certificate such sum as the registrar or officer or, in the case of appeal, the Registrar-General considers to be proper compensation for the damage caused to the applicant by the entering of the caveat.

(4) Such fees may be charged in respect of any notice of an intended marriage, or any application for or grant of a certificate, or the entering of a caveat under this section, as may be fixed, as respects certificates to be granted by or caveats entered with registrars, by the Registrar-General, with the consent of His Majesty in Council, and, as respects certificates to be granted by or caveats entered with a marriage officer, as may be fixed by Order under the Consular Salaries and Fees Act, 1891 (54 & 55 Vict. c. 36).

2.—MARRIAGE OF FOREIGNERS WITH BRITISH SUBJECTS IN THE UNITED KINGDOM.—(1) Where arrangements have been made to the satisfaction of His Majesty with any foreign country for the issue by the proper officers of that country, in the case of persons subject to the marriage law of that country proposing to marry British subjects in the United Kingdom, of certificates that after proper notices have been given no impediment according to the law of that country has been shown to exist to the marriage, His Majesty may, by Order in Council, make regulations—

(*a*) requiring any person, subject to the marriage law of that foreign country, who is to be married to a British subject in the United Kingdom, to give notice of the fact that he is subject to the marriage law of that country to the person by or in the presence of whom the marriage is to be solemnised; and

(*b*) forbidding any person to whom such a notice is given to solemnise the marriage or to allow it to be solemnised until such a certificate as aforesaid is produced to him.

(2) If any person knowingly acts in contravention of, or fails to comply with, any such regulation, he shall be guilty of a misdemeanour, and shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding one year.

(3) Nothing in this section shall be taken to relate or have any reference to any marriages between two persons professing the Jewish religion solemnised according to the usages of the Jews in the presence of the secretary of a synagogue authorised by either the Births and Deaths Registration Act, 1836 (6 & 7 Will. 4, c. 86), or the Marriages (Ireland) Act, 1844 (7 & 8 Vict. c. 81), or by the Marriage and Registration Act, 1856 (19 & 20 Vict. c. 119), to register such a marriage, or of a deputy appointed by such secretary by writing under his hand, and approved by the president for the time of the London committee of deputies of the British Jews by writing under his hand.

3.—POWER TO MAKE GENERAL REGULATIONS.—His Majesty may by Order in Council make general regulations prescribing the forms to be used under this Act and making such other provisions as seem necessary or expedient for the purposes of this Act, and may by Order in Council revoke, alter, or add to any Order in Council made under this Act.

4.—INTERPRETATION.—In this Act, unless the context otherwise requires,—

The expressions "Registrar-General" and "registrar" mean respectively the Registrar-General within the meaning of the Births and Deaths Registration Act, 1836, and a superintendent registrar of marriages within the meaning of the Marriage Act, 1836; and

The expression "marriage officer" means a marriage officer for the time being under the Foreign Marriage Act, 1892 (55 & 56 Vict. c. 23), and includes any person for the time being empowered to register a marriage under section eighteen of that Act.

5.—APPLICATION TO SCOTLAND.—In the application of this Act to Scotland—

(1) References to the forbidding of a certificate shall not apply;

(2) A reference to a caveat shall be construed as a reference to an objection, and the provisions respecting the entry of a caveat on frivolous grounds shall not apply;

(3) The expressions "Registrar-General" and "registrar" mean respectively the Registrar-General of births, deaths, and marriages in Scotland, and the registrar of births, deaths, and marriages for a parish or district under the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854 (17 & 18 Vict. c. 80), and the Acts amending that Act;

(4) Paragraph (*a*) of subsection one of section two shall be read as if the following words were inserted after the word "solemnised," namely, " or to any registrar, law agent, or other person whom he desires to " draw up any declaration of irregular marriage between him and a " British subject"; and paragraph (*b*) of the same subsection shall be read as if the following words were inserted after the word "solemnised," namely, "or to aid in effecting the said irregular marriage";

(5) The duly appointed minister of a synagogue shall be substituted in subsection (3) of section two for the secretary of the synagogue or deputy as described in that subsection.

6.—Application to Ireland.—In the application of this Act to Ireland the expressions "Registrar-General" and "registrar" mean respectively the Registrar-General and registrar within the meaning of the Marriages (Ireland) Act, 1844.

7.—Short Title.—This Act may be cited as the Marriage with Foreigners Act, 1906.

SCHEDULE.

Part I.

Provisions applicable except in Scotland.

A.—Conditions.

1. The applicant shall sign a notice stating the name, surname, profession, condition, nationality, and residence of each of the parties to the marriage, and whether each of the parties is or is not a minor.

2. The applicant shall at the time of giving the notice make and subscribe in a book to be kept by the registrar or officer for the purpose, an oath—

(*a*) that the applicant believes that there is no impediment to the marriage by reason of kindred or alliance, or otherwise; and

(*b*) that the applicant has for three weeks immediately preceding had his usual residence within the district of the registrar or officer; and

(*c*) if the applicant, not being a widower or widow, is under the age of twenty-one years, that the consent of the persons whose consent to the marriage is required by law has been obtained thereto, or that there is no person having authority to give that consent, as the case may be.

3. The registrar or officer shall file every such notice and keep it with the archives of his office, and shall forthwith enter in a book of notices to be kept by him for the purpose, and post up in some conspicuous place in his office a copy of every such notice, and shall keep it so posted up for at least twenty-one days.

4. The book in which the notice is entered, and the copy posted up, shall be open at all reasonable times without fee to the inspection of any person.

B.—Provisions as to forbidding Certificate, and as to Caveats.

5. Any person whose consent is required by law to marriages solemnised in England may forbid the certificate by writing the word "forbidden" opposite to the entry of the application in the book of notices, and by subscribing thereto his name and residence and the character by reason of which he is authorised to forbid the certificate.

6.—(*a*) Any person may enter with the registrar or officer a caveat against the granting of the certificate, signed by him or in his behalf and stating his residence and the grounds of his objection.

(*b*) The registrar or officer shall examine into the matter of the caveat and decide whether it ought to obstruct the giving of the certificate or not, but he may if he thinks fit refer the matter to the Registrar-General to decide. If the registrar or officer decides the question himself, and decides that the caveat ought to obstruct the granting of the certificate, the applicant for the certificate may appeal to the Registrar-General in manner provided by regulations made under this Act.

(*c*) The caveat shall cease to operate—

(i) if withdrawn by the persons entering it; or

(ii) if it is decided by the registrar or officer or by the Registrar-General on appeal that it ought not to obstruct the giving of the certificate.

PART II.

PROVISIONS APPLICABLE IN SCOTLAND.

A.—CONDITIONS.

1. The applicant shall give a notice to the registrar of the parish or district in which he shall have resided for a period of not less than fifteen clear days previous to the giving thereof. Such notice shall be in the form as nearly as may be set forth in Schedule A. to the Marriage Notice (Scotland) Act, 1878 (41 & 42 Vict. c. 43), but shall state, in addition to the particulars therein set out, the nationality of the parties to the intended marriage.

2. On the receipt of a notice of an intended marriage the registrar, being satisfied that the notice is conformable to the requirements of this Act, shall forthwith enter the particulars set forth in the notice in the Marriage Notice Book kept in terms of the Marriage Notice (Scotland) Act, 1878, and shall on the same day post or put up in a conspicuous and accessible place on the door or outer wall of his office a public notice of the intended marriage, in the form as nearly as may be set forth in the Schedule B. annexed to the said last-mentioned Act, but stating, in addition to the particulars therein set out, the nationality of the parties to the intended marriage, and shall keep the same so posted or put up for seven consecutive days thereafter.

B.—PROVISIONS AS TO OBJECTIONS.

3.—(*a*) Any person may enter with the registrar an objection against the granting of the certificate signed by him or on his behalf, and stating his residence and the grounds of his objection.

(*b*) The registrar shall refer any objection to the Registrar-General, who shall decide whether it ought to obstruct the granting of the certificate or not, and shall instruct the registrar accordingly, and the instructions so given shall be carried out by the registrar.

(*c*) The objection shall cease to operate—

(i) if withdrawn by the person entering it; or

(ii) if it is decided by the Registrar-General that it ought not to obstruct the granting of the certificate.

CHAPTER XLI.

MARINE INSURANCE ACT, 1906 (S. 94).

[6 EDW. 7. CH. 41.]

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CHAPTER XLI.

MARINE INSURANCE ACT, 1906.

An Act to codify the Law relating to Marine Insurance. [21*st December* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Marine Insurance.

1.—MARINE INSURANCE DEFINED.—A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the extent thereby agreed, against marine losses, that is to say, the losses incident to marine adventure.

2.—MIXED SEA AND LAND RISKS.—(1) A contract of marine insurance may, by its express terms, or by usage of trade, be extended so as to protect the assured against losses on inland waters or on any land risk which may be incidental to any sea voyage.

(2) Where a ship in course of building, or the launch of a ship, or any adventure analogous to a marine adventure, is covered by a policy in the form of a marine policy, the provisions of this Act, in so far as applicable, shall apply thereto; but, except as by this section provided, nothing in this Act shall alter or affect any rule of law applicable to any contract of insurance other than a contract of marine insurance as by this Act defined.

3.—MARINE ADVENTURE AND MARITIME PERILS DEFINED.—(1) Subject to the provisions of this Act, every lawful marine adventure may be the subject of a contract of marine insurance.

(2) In particular there is a marine adventure where—

(*a*) Any ship goods or other moveables are exposed to maritime perils. Such property is in this Act referred to as "insurable property";

(*b*) The earning or acquisition of any freight, passage money, commission, profit, or other pecuniary benefit, or the security for any advances, loan, or disbursements, is endangered by the exposure of insurable property to maritime perils;

(*c*) Any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property, by reason of maritime perils.

"Maritime perils" means the perils consequent on, or incidental to, the navigation of the sea, that is to say, perils of the seas, fire, war perils, pirates, rovers, thieves, captures, seisures, restraints, and detainments of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or which may be designated by the policy.

Insurable Interest.

4.—AVOIDANCE OF WAGERING OR GAMING CONTRACTS.—(1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract—

(*a*) Where the assured has not an insurable interest as defined by this Act, and the contract is entered into with no expectation of acquiring such an interest; or

(*b*) Where the policy is made "interest or no interest," or "without further proof of interest than the policy itself," or "without benefit of salvage to the insurer," or subject to any other like term:

Provided that, where there is no possibility of salvage, a policy may be effected without benefit of salvage to the insurer.

5.—INSURABLE INTEREST DEFINED.—(1) Subject to the provisions of this Act, every person has an insurable interest who is interested in a marine adventure.

(2) In particular a person is interested in a marine adventure where he stands in any legal or equitable relation to the adventure or to any insurable property at risk therein, in consequence of which he may benefit by the safety or due arrival of insurable property, or may be prejudiced by its loss, or by damage thereto, or by the detention thereof, or may incur liability in respect thereof.

6.—WHEN INTEREST MUST ATTACH.—(1) The assured must be interested in the subject-matter insured at the time of the loss though he need not be interested when the insurance is effected:

Provided that where the subject-matter is insured "lost or not lost," the assured may recover although he may not have acquired his interest until after the loss, unless at the time of effecting the contract of insurance the assured was aware of the loss, and the insurer was not.

(2) Where the assured has no interest at the time of the loss, he cannot acquire interest by any act or election after he is aware of the loss.

7.—DEFEASIBLE OR CONTINGENT INTEREST.—(1) A defeasible interest is insurable, as also is a contingent interest.

(2) In particular, where the buyer of goods has insured them, he has an insurable interest, notwithstanding that he might, at his election, have rejected the goods, or have treated them as at the seller's risk, by reason of the latter's delay in making delivery or otherwise.

8.—PARTIAL INTEREST.—A partial interest of any nature is insurable.

9.—RE-INSURANCE.—(1) The insurer under a contract of marine insurance has an insurable interest in his risk, and may re-insure in respect of it.

(2) Unless the policy otherwise provides, the original assured has no right or interest in respect of such re-insurance.

10.—BOTTOMRY.—The lender of money on bottomry or respondentia has an insurable interest in respect of the loan.

11.—MASTER'S AND SEAMEN'S WAGES.—The master or any member of the crew of a ship has an insurable interest in respect of his wages.

12.—ADVANCE FREIGHT.—In the case of advance freight, the person advancing the freight has an insurable interest, in so far as such freight is not repayable in case of loss.

13.—CHARGES OF INSURANCE.—The assured has an insurable interest in the charges of any insurance which he may effect.

14.—QUANTUM OF INTEREST.—(1) Where the subject-matter insured is mortgaged, the mortgagor has an insurable interest in the full value thereof, and the mortgagee has an insurable interest in respect of any sum due or to become due under the mortgage.

(2) A mortgagee, consignee, or other person having an interest in the subject-matter insured may insure on behalf and for the benefit of other persons interested as well as for his own benefit.

(3) The owner of insurable property has an insurable interest in respect of the

full value thereof, notwithstanding that some third person may have agreed, or be liable, to indemnify him in case of loss.

15.—ASSIGNMENT OF INTEREST.—Where the assured assigns or otherwise parts with his interest in the subject-matter insured, he does not thereby transfer to the assignee his rights under the contract of insurance, unless there be an express or implied agreement with the assignee to that effect.

But the provisions of this section do not affect a transmission of interest by operation of law.

Insurable Value.

16.—MEASURE OF INSURABLE VALUE.—Subject to any express provision or valuation in the policy, the insurable value of the subject-matter insured must be ascertained as follows:—

(1) In insurance on ship, the insurable value is the value, at the commencement of the risk, of the ship, including her outfit, provisions and stores for the officers and crew, money advanced for seamen's wages, and other disbursements (if any) incurred to make the ship fit for the voyage or adventure contemplated by the policy, plus the charges of insurance upon the whole:

The insurable value, in the case of a steamship, includes also the machinery, boilers, and coals and engine stores if owned by the assured, and, in the case of a ship engaged in a special trade, the ordinary fittings requisite for that trade:

(2) In insurance on freight, whether paid in advance or otherwise, the insurable value is the gross amount of the freight at the risk of the assured, plus the charges of insurance:

(3) In insurance on goods or merchandise, the insurable value is the prime cost of the property insured, plus the expenses of and incidental to shipping and the charges of insurance upon the whole:

(4) In insurance on any other subject-matter, the insurable value is the amount at the risk of the assured when the policy attaches, plus the charges of insurance.

Disclosure and Representations.

17.—INSURANCE IS UBERRIMAE FIDEI.—A contract of marine insurance is a contract based upon the utmost good faith, and, if the utmost good faith be not observed by either party, the contract may be avoided by the other party.

18.—DISCLOSURE BY ASSURED.—(1) Subject to the provisions of this section, the assured must disclose to the insurer, before the contract is concluded, every material circumstance which is known to the assured, and the assured is deemed to know every circumstance which, in the ordinary course of business, ought to be known by him. If the assured fails to make such disclosure, the insurer may avoid the contract.

(2) Every circumstance is material which would influence the judgment of a prudent insurer in fixing the premium, or determining whether he will take the risk.

(3) In the absence of inquiry the following circumstances need not be disclosed, namely:—

(*a*) Any circumstance which diminishes the risk;

(*b*) Any circumstance which is known or presumed to be known to the insurer. The insurer is presumed to know matters of common notoriety or knowledge, and matters which an insurer in the ordinary course of his business, as such, ought to know;

(*c*) Any circumstance as to which information is waived by the insurer;

(*d*) Any circumstance which it is superfluous to disclose by reason of any express or implied warranty.

(4) Whether any particular circumstance, which is not disclosed, be material or not is, in each case, a question of fact.

(5) The term "circumstance" includes any communication made to, or information received by, the assured.

19.—DISCLOSURE BY AGENT EFFECTING INSURANCE.—Subject to the provisions of

the preceding section as to circumstances which need not be disclosed, where an insurance is effected for the assured by an agent, the agent must disclose to the insurer—

(*a*) Every material circumstance which is known to himself, and an agent to insure is deemed to know every circumstance which in the ordinary course of business ought to be known by, or to have been communicated to, him; and

(*b*) Every material circumstance which the assured is bound to disclose, unless it come to his knowledge too late to communicate it to the agent.

20.—REPRESENTATIONS PENDING NEGOTIATION OF CONTRACT.—(1) Every material representation made by the assured or his agent to the insurer during the negotiations for the contract, and before the contract is concluded, must be true. If it be untrue the insurer may avoid the contract.

(2) A representation is material which would influence the judgment of a prudent insurer in fixing the premium, or determining whether he will take the risk.

(3) A representation may be either a representation as to a matter of fact, or as to a matter of expectation or belief.

(4) A representation as to a matter of fact is true, if it be substantially correct, that is to say, if the difference between what is represented and what is actually correct would not be considered material by a prudent insurer.

(5) A representation as to a matter of expectation or belief is true if it be made in good faith.

(6) A representation may be withdrawn or corrected before the contract is concluded.

(7) Whether a particular representation be material or not is, in each case, a question of fact.

21.—WHEN CONTRACT IS DEEMED TO BE CONCLUDED.—A contract of marine insurance is deemed to be concluded when the proposal of the assured is accepted by the insurer, whether the policy be then issued or not; and for the purpose of showing when the proposal was accepted, reference may be made to the slip or covering note or other customary memorandum of the contract, although it be unstamped.

The Policy.

22.—CONTRACT MUST BE EMBODIED IN POLICY.—Subject to the provisions of any statute, a contract of marine insurance is inadmissible in evidence unless it is embodied in a marine policy in accordance with this Act. The policy may be executed and issued either at the time when the contract is concluded, or afterwards.

23.—WHAT POLICY MUST SPECIFY.—A marine policy must specify—

(1) The name of the assured, or of some person who effects the insurance on his behalf:

(2) The subject-matter insured and the risk insured against:

(3) The voyage, or period of time, or both, as the case may be, covered by the insurance:

(4) The sum or sums insured:

(5) The name or names of the insurers.

24.—SIGNATURE OF INSURER.—(1) A marine policy must be signed by or on behalf of the insurer, provided that in the case of a corporation the corporate seal may be sufficient, but nothing in this section shall be construed as requiring the subscription of a corporation to be under seal.

(2) Where a policy is subscribed by or on behalf of two or more insurers, each subscription, unless the contrary be expressed, constitutes a distinct contract with the assured.

25.—VOYAGE AND TIME POLICIES.—(1) Where the contract is to insure the subject-matter at and from, or from one place to another or others, the policy is called a "voyage policy," and where the contract is to insure the subject-matter for a definite period of time the policy is called a "time policy." A contract for both voyage and time may be included in the same policy.

(2) Subject to the provisions of section eleven of the Finance Act, 1901 (1 Edw.

7, c. 7), a time policy which is made for any time exceeding twelve months is invalid.

26.—Designation of Subject-Matter.—(1) The subject-matter insured must be designated in a marine policy with reasonable certainty.

(2) The nature and extent of the interest of the assured in the subject-matter insured need not be specified in the policy.

(3) Where the policy designates the subject-matter insured in general terms, it shall be construed to apply to the interest intended by the assured to be covered.

(4) In the application of this section regard shall be had to any usage regulating the designation of the subject-matter insured.

27.—Valued Policy.—(1) A policy may be either valued or unvalued.

(2) A valued policy is a policy which specifies the agreed value of the subject-matter insured

(3) Subject to the provisions of this Act, and in the absence of fraud, the value fixed by the policy is, as between the insurer and assured, conclusive of the insurable value of the subject intended to be insured, whether the loss be total or partial.

(4) Unless the policy otherwise provides, the value fixed by the policy is not conclusive for the purpose of determining whether there has been a constructive total loss.

28.—Unvalued Policy.—An unvalued policy is a policy which does not specify the value of the subject-matter insured, but, subject to the limit of the sum insured, leaves the insurable value to be subsequently ascertained, in the manner herein-before specified.

29.—Floating Policy by Ship or Ships.—(1) A floating policy is a policy which describes the insurance in general terms, and leaves the name of the ship or ships and other particulars to be defined by subsequent declaration.

(2) The subsequent declaration or declarations may be made by indorsement on the policy, or in other customary manner.

(3) Unless the policy otherwise provides, the declarations must be made in the order of dispatch or shipment. They must, in the case of goods, comprise all consignments within the terms of the policy, and the value of the goods or other property must be honestly stated, but an omission or erroneous declaration may be rectified even after loss or arrival, provided the omission or declaration was made in good faith.

(4) Unless the policy otherwise provides, where a declaration of value is not made until after notice of loss or arrival, the policy must be treated as an unvalued policy as regards the subject-matter of that declaration.

30.—Construction of Terms in Policy.—(1) A policy may be in the form in the First Schedule to this Act.

(2) Subject to the provisions of this Act, and unless the context of the policy otherwise requires, the terms and expressions mentioned in the First Schedule to this Act shall be construed as having the scope and meaning in that schedule assigned to them.

31.—Premium to be arranged. — (1) Where an insurance is effected at a premium to be arranged, and no arrangement is made, a reasonable premium is payable.

(2) Where an insurance is effected on the terms that an additional premium is to be arranged in a given event, and that event happens but no arrangement is made, then a reasonable additional premium is payable.

Double Insurance.

32.—Double Insurance.—(1) Where two or more policies are effected by or on behalf of the assured on the same adventure and interest or any part thereof, and the sums insured exceed the indemnity allowed by this Act, the assured is said to be over-insured by double insurance.

(2) Where the assured is over-insured by double insurance—

(*a*) The assured, unless the policy otherwise provides, may claim payment from the insurers in such order as he may think fit, provided that he is not entitled to receive any sum in excess of the indemnity allowed by this Act;

(*b*) Where the policy under which the assured claims is a valued policy, the assured must give credit as against the valuation for any sum received by him under any other policy without regard to the actual value of the subject-matter insured;

(*c*) Where the policy under which the assured claims is an unvalued policy he must give credit, as against the full insurable value, for any sum received by him under any other policy;

(*d*) Where the assured receives any sum in excess of the indemnity allowed by this Act, he is deemed to hold such sum in trust for the insurers, according to their right of contribution among themselves.

Warranties, &c.

33.—NATURE OF WARRANTY.—(1) A warranty, in the following sections relating to warranties, means a promissory warranty, that is to say, a warranty by which the assured undertakes that some particular thing shall or shall not be done, or that some condition shall be fulfilled, or whereby he affirms or negatives the existence of a particular state of facts.

(2) A warranty may be express or implied.

(3) A warranty, as above defined, is a condition which must be exactly complied with, whether it be material to the risk or not. If it be not so complied with, then, subject to any express provision in the policy, the insurer is discharged from liability as from the date of the breach of warranty, but without prejudice to any liability incurred by him before that date.

34.—WHEN BREACH OF WARRANTY EXCUSED.—(1) Non-compliance with a warranty is excused when, by reason of a change of circumstances, the warranty ceases to be applicable to the circumstances of the contract, or when compliance with the warranty is rendered unlawful by any subsequent law.

(2) Where a warranty is broken, the assured cannot avail himself of the defence that the breach has been remedied, and the warranty complied with, before loss.

(3) A breach of warranty may be waived by the insurer.

35.—EXPRESS WARRANTIES.—(1) An express warranty may be in any form of words from which the intention to warrant is to be inferred.

(2) An express warranty must be included in, or written upon, the policy, or must be contained in some document incorporated by reference into the policy.

(3) An express warranty does not exclude an implied warranty, unless it be inconsistent therewith.

36.—WARRANTY OF NEUTRALITY.—(1) Where insurable property, whether ship or goods, is expressly warranted neutral, there is an implied condition that the property shall have a neutral character at the commencement of the risk, and that, so far as the assured can control the matter, its neutral character shall be preserved during the risk.

(2) Where a ship is expressly warranted "neutral" there is also an implied condition that, so far as the assured can control the matter, she shall be properly documented, that is to say, that she shall carry the necessary papers to establish her neutrality, and that she shall not falsify or suppress her papers, or use simulated papers. If any loss occurs through breach of this condition, the insurer may avoid the contract.

37.—NO IMPLIED WARRANTY OF NATIONALITY.—There is no implied warranty as to the nationality of a ship, or that her nationality shall not be changed during the risk

38.—WARRANTY OF GOOD SAFETY.—Where the subject-matter insured is warranted "well" or "in good safety" on a particular day, it is sufficient if it be safe at any time during that day.

39.—WARRANTY OF SEAWORTHINESS OF SHIP.—(1) In a voyage policy there is an implied warranty that at the commencement of the voyage the ship shall be seaworthy for the purpose of the particular adventure insured.

(2) Where the policy attaches while the ship is in port, there is also an implied

warranty that she shall, at the commencement of the risk, be reasonably fit to encounter the ordinary perils of the port.

(3) Where the policy relates to a voyage which is performed in different stages, during which the ship requires different kinds of or further preparation or equipment, there is an implied warranty that at the commencement of each stage the ship is seaworthy in respect of such preparation or equipment for the purposes of that stage.

(4) A ship is deemed to be seaworthy when she is reasonably fit in all respects to encounter the ordinary perils of the seas of the adventure insured.

(5) In a time policy there is no implied warranty that the ship shall be seaworthy at any stage of the adventure, but where, with the privity of the assured, the ship is sent to sea in an unseaworthy state, the insurer is not liable for any loss attributable to unseaworthiness.

40.—No implied Warranty that Goods are Seaworthy.—(1) In a policy on goods or other moveables there is no implied warranty that the goods or moveables are seaworthy.

(2) In a voyage policy on goods or other moveables there is an implied warranty that at the commencement of the voyage the ship is not only seaworthy as a ship, but also that she is reasonably fit to carry the goods or other moveables to the destination contemplated by the policy.

41.—Warranty of Legality.—There is an implied warranty that the adventure insured is a lawful one, and that, so far as the assured can control the matter, the adventure shall be carried out in a lawful manner.

The Voyage.

42.—Implied Condition as to Commencement of Risk.—(1) Where the subject-matter is insured by a voyage policy "at and from" or "from" a particular place, it is not necessary that the ship should be at that place when the contract is concluded, but there is an implied condition that the adventure shall be commenced within a reasonable time, and that if the adventure be not so commenced the insurer may avoid the contract.

(2) The implied condition may be negatived by showing that the delay was caused by circumstances known to the insurer before the contract was concluded, or by showing that he waived the condition.

43.—Alteration of Port of Departure.—Where the place of departure is specified by the policy, and the ship instead of sailing from that place sails from any other place, the risk does not attach.

44.—Sailing for different Destination.—Where the destination is specified in the policy, and the ship, instead of sailing for that destination, sails for any other destination, the risk does not attach.

45.—Change of Voyage.—(1) Where, after the commencement of the risk, the destination of the ship is voluntarily changed from the destination contemplated by the policy, there is said to be a change of voyage.

(2) Unless the policy otherwise provides, where there is a change of voyage, the insurer is discharged from liability as from the time of change, that is to say, as from the time when the determination to change it is manifested; and it is immaterial that the ship may not in fact have left the course of voyage contemplated by the policy when the loss occurs.

46.—Deviation.—(1) Where a ship, without lawful excuse, deviates from the voyage contemplated by the policy, the insurer is discharged from liability as from the time of deviation, and it is immaterial that the ship may have regained her route before any loss occurs.

(2) There is a deviation from the voyage contemplated by the policy—

(*a*) Where the course of the voyage is specifically designated by the policy, and that course is departed from; or

(*b*) Where the course of the voyage is not specifically designated by the policy, but the usual and customary course is departed from.

(3) The intention to deviate is immaterial; there must be a deviation in fact to discharge the insurer from his liability under the contract.

47.—SEVERAL PORTS OF DISCHARGE.—(1) Where several ports of discharge are specified by the policy, the ship may proceed to all or any of them, but, in the absence of any usage or sufficient cause to the contrary, she must proceed to them, or such of them as she goes to, in the order designated by the policy. If she does not there is a deviation.

(2) Where the policy is to "ports of discharge," within a given area, which are not named, the ship must, in the absence of any usage or sufficient cause to the contrary, proceed to them, or such of them as she goes to, in their geographical order. If she does not there is a deviation.

48.—DELAY IN VOYAGE.—In the case of a voyage policy, the adventure insured must be prosecuted throughout its course with reasonable despatch, and, if without lawful excuse it is not so prosecuted, the insurer is discharged from liability as from the time when the delay became unreasonable.

49.—EXCUSES FOR DEVIATION OR DELAY.—(1) Deviation or delay in prosecuting the voyage contemplated by the policy is excused—

(*a*) Where authorised by any special term in the policy; or

(*b*) Where caused by circumstances beyond the control of the master and his employer; or

(*c*) Where reasonably necessary in order to comply with an express or implied warranty; or

(*d*) Where reasonably necessary for the safety of the ship or subject-matter insured; or

(*e*) For the purpose of saving human life, or aiding a ship in distress where human life may be in danger; or

(*f*) Where reasonably necessary for the purpose of obtaining medical or surgical aid for any person on board the ship; or

(*g*) Where caused by the barratrous conduct of the master or crew, if barratry be one of the perils insured against.

(2) When the cause excusing the deviation or delay ceases to operate, the ship must resume her course, and prosecute her voyage, with reasonable despatch.

Assignment of Policy.

50.—WHEN AND HOW POLICY IS ASSIGNABLE.—(1) A marine policy is assignable unless it contains terms expressly prohibiting assignment. It may be assigned either before or after loss.

(2) Where a marine policy has been assigned so as to pass the beneficial interest in such policy, the assignee of the policy is entitled to sue thereon in his own name; and the defendant is entitled to make any defence arising out of the contract which he would have been entitled to make if the action had been brought in the name of the person by or on behalf of whom the policy was effected.

(3) A marine policy may be assigned by indorsement thereon or in other customary manner.

51.—ASSURED WHO HAS NO INTEREST CANNOT ASSIGN.—Where the assured has parted with or lost his interest in the subject-matter insured, and has not, before or at the time of so doing, expressly or impliedly agreed to assign the policy, any subsequent assignment of the policy is inoperative:

Provided that nothing in this section affects the assignment of a policy after loss.

The Premium.

52.—WHEN PREMIUM PAYABLE.—Unless otherwise agreed, the duty of the assured or his agent to pay the premium, and the duty of the insurer to issue the policy to the assured or his agent, are concurrent conditions, and the insurer is not bound to issue the policy until payment or tender of the premium.

53.—POLICY EFFECTED THROUGH BROKER.—(1) Unless otherwise agreed, where a marine policy is effected on behalf of the assured by a broker, the broker is directly responsible to the insurer for the premium, and the insurer is directly responsible to

the assured for the amount which may be payable in respect of losses, or in respect of returnable premium.

(2) Unless otherwise agreed, the broker has, as against the assured, a lien upon the policy for the amount of the premium and his charges in respect of effecting the policy; and, where he has dealt with the person who employs him as a principal, he has also a lien on the policy in respect of any balance on any insurance account which may be due to him from such person, unless when the debt was incurred he had reason to believe that such person was only an agent.

54.—Effect of Receipt on Policy.—Where a marine policy effected on behalf of the assured by a broker acknowledges the receipt of the premium, such acknowledgment is, in the absence of fraud, conclusive as between the insurer and the assured, but not as between the insurer and broker.

Loss and Abandonment.

55.—Included and Excluded Losses.—(1) Subject to the provisions of this Act, and unless the policy otherwise provides, the insurer is liable for any loss proximately caused by a peril insured against, but, subject as aforesaid, he is not liable for any loss which is not proximately caused by a peril insured against.

(2) In particular,—

(*a*) The insurer is not liable for any loss attributable to the wilful misconduct of the assured, but, unless the policy otherwise provides, he is liable for any loss proximately caused by a peril insured against, even though the loss would not have happened but for the misconduct or negligence of the master or crew;

(*b*) Unless the policy otherwise provides, the insurer on ship or goods is not liable for any loss proximately caused by delay, although the delay be caused by a peril insured against;

(*c*) Unless the policy otherwise provides, the insurer is not liable for ordinary wear and tear, ordinary leakage and breakage, inherent vice or nature of the subject-matter insured, or for any loss proximately caused by rats or vermin, or for any injury to machinery not proximately caused by maritime perils.

56.—Partial and Total Loss.—(1) A loss may be either total or partial. Any loss other than a total loss, as hereinafter defined, is a partial loss.

(2) A total loss may be either an actual total loss, or a constructive total loss.

(3) Unless a different intention appears from the terms of the policy, an insurance against total loss includes a constructive, as well as an actual, total loss.

(4) Where the assured brings an action for a total loss and the evidence proves only a partial loss, he may, unless the policy otherwise provides, recover for a partial loss.

(5) Where goods reach their destination in specie, but by reason of obliteration of marks, or otherwise, they are incapable of identification, the loss, if any, is partial, and not total.

57.—Actual Total Loss.—(1) Where the subject-matter insured is destroyed, or so damaged as to cease to be a thing of the kind insured, or where the assured is irretrievably deprived thereof, there is an actual total loss.

(2) In the case of an actual total loss no notice of abandonment need be given.

58.—Missing Ship.—Where the ship concerned in the adventure is missing, and after the lapse of a reasonable time no news of her has been received, an actual total loss may be presumed.

59.—Effect of Transhipment, &c.—Where, by a peril insured against, the voyage is interrupted at an intermediate port or place, under such circumstances as, apart from any special stipulation in the contract of affreightment, to justify the master in landing and re-shipping the goods or other moveables, or in transhipping them, and sending them on to their destination, the liability of the insurer continues, notwithstanding the landing or transhipment.

60.—Constructive Total Loss defined.—(1) Subject to any express provision in the policy, there is a constructive total loss where the subject-matter insured is

reasonably abandoned on account of its actual total loss appearing to be unavoidable, or because it could not be preserved from actual total loss without an expenditure which would exceed its value when the expenditure had been incurred.

(2) In particular, there is a constructive total loss—

(i) Where the assured is deprived of the possession of his ship or goods by a peril insured against, and (*a*) it is unlikely that he can recover the ship or goods, as the case may be, or (*b*) the cost of recovering the ship or goods, as the case may be, would exceed their value when recovered; or

(ii) In the case of damage to a ship, where she is so damaged by a peril insured against that the cost of repairing the damage would exceed the value of the ship when repaired.

In estimating the cost of repairs, no deduction is to be made in respect of general average contributions to those repairs payable by other interests, but account is to be taken of the expense of future salvage operations and of any future general average contributions to which the ship would be liable if repaired; or

(iii) In the case of damage to goods, where the cost of repairing the damage and forwarding the goods to their destination would exceed their value on arrival.

61.—EFFECT OF CONSTRUCTIVE TOTAL LOSS.—Where there is a constructive total loss the assured may either treat the loss as a partial loss, or abandon the subject-matter insured to the insurer and treat the loss as if it were an actual total loss.

62.—NOTICE OF ABANDONMENT.—(1) Subject to the provisions of this section, where the assured elects to abandon the subject-matter insured to the insurer, he must give notice of abandonment. If he fails to do so the loss can only be treated as a partial loss.

(2) Notice of abandonment may be given in writing, or by word of mouth, or partly in writing and partly by word of mouth, and may be given in any terms which indicate the intention of the assured to abandon his insured interest in the subject-matter insured unconditionally to the insurer.

(3) Notice of abandonment must be given with reasonable diligence after the receipt of reliable information of the loss, but where the information is of a doubtful character the assured is entitled to a reasonable time to make inquiry.

(4) Where notice of abandonment is properly given, the rights of the assured are not prejudiced by the fact that the insurer refuses to accept the abandonment.

(5) The acceptance of an abandonment may be either express or implied from the conduct of the insurer. The mere silence of the insurer after notice is not an acceptance.

(6) Where notice of abandonment is accepted the abandonment is irrevocable. The acceptance of the notice conclusively admits liability for the loss and the sufficiency of the notice.

(7) Notice of abandonment is unnecessary where, at the time when the assured receives information of the loss, there would be no possibility of benefit to the insurer if notice were given to him.

(8) Notice of abandonment may be waived by the insurer.

(9) Where an insurer has re-insured his risk, no notice of abandonment need be given by him.

63.—EFFECT OF ABANDONMENT.—(1) Where there is a valid abandonment the insurer is entitled to take over the interest of the assured in whatever may remain of the subject-matter insured, and all proprietary rights incidental thereto.

(2) Upon the abandonment of a ship, the insurer thereof is entitled to any freight in course of being earned, and which is earned by her subsequent to the casualty causing the loss, less the expenses of earning it incurred after the casualty; and, where the ship is carrying the owner's goods, the insurer is entitled to a reasonable remuneration for the carriage of them subsequent to the casualty causing the loss.

Partial Losses (*including Salvage and General Average and Particular Charges*).

64.—PARTICULAR AVERAGE LOSS.—(1) A particular average loss is a partial loss

of the subject-matter insured, caused by a peril insured against, and which is not a general average loss.

(2) Expenses incurred by or on behalf of the assured for the safety or preservation of the subject-matter insured, other than general average and salvage charges, are called particular charges. Particular charges are not included in particular average.

65.—Salvage Charges.—(1) Subject to any express provision in the policy, salvage charges incurred in preventing a loss by perils insured against may be recovered as a loss by those perils.

(2) "Salvage charges" means the charges recoverable under maritime law by a salvor independently of contract. They do not include the expenses of services in the nature of salvage rendered by the assured or his agents, or any person employed for hire by them, for the purpose of averting a peril insured against. Such expenses, where properly incurred, may be recovered as particular charges or as a general average loss, according to the circumstances under which they were incurred.

66.—General Average Loss.—(1) A general average loss is a loss caused by or directly consequential on a general average act. It includes a general average expenditure as well as a general average sacrifice.

(2) There is a general average act where any extraordinary sacrifice or expenditure is voluntarily and reasonably made or incurred in time of peril for the purpose of preserving the property imperilled in the common adventure.

(3) Where there is a general average loss, the party on whom it falls is entitled, subject to the conditions imposed by maritime law, to a rateable contribution from the other parties interested, and such contribution is called a general average contribution.

(4) Subject to any express provision in the policy, where the assured has incurred a general average expenditure, he may recover from the insurer in respect of the proportion of the loss which falls upon him; and, in the case of a general average sacrifice, he may recover from the insurer in respect of the whole loss without having enforced his right of contribution from the other parties liable to contribute.

(5) Subject to any express provision in the policy, where the assured has paid, or is liable to pay, a general average contribution in respect of the subject insured, he may recover therefor from the insurer.

(6) In the absence of express stipulation, the insurer is not liable for any general average loss or contribution where the loss was not incurred for the purpose of avoiding, or in connexion with the avoidance of, a peril insured against.

(7) Where ship, freight, and cargo, or any two of those interests, are owned by the same assured, the liability of the insurer in respect of general average losses or contributions is to be determined as if those subjects were owned by different persons.

Measure of Indemnity.

67.—Extent of Liability of Insurer for Loss.—(1) The sum which the assured can recover in respect of a loss on a policy by which he is insured, in the case of an unvalued policy to the full extent of the insurable value, or, in the case of a valued policy to the full extent of the value fixed by the policy, is called the measure of indemnity.

(2) Where there is a loss recoverable under the policy, the insurer, or each insurer if there be more than one, is liable for such proportion of the measure of indemnity as the amount of his subscription bears to the value fixed by the policy in the case of a valued policy, or to the insurable value in the case of an unvalued policy.

68.—Total Loss.—Subject to the provisions of this Act and to any express provision in the policy, where there is a total loss of the subject-matter insured,—

(1) If the policy be a valued policy, the measure of indemnity is the sum fixed by the policy:

(2) If the policy be an unvalued policy, the measure of indemnity is the insurable value of the subject-matter insured.

69.—Partial Loss of Ship.—Where a ship is damaged, but is not totally lost, the measure of indemnity, subject to any express provision in the policy, is as follows:—

(1) Where the ship has been repaired, the assured is entitled to the reasonable cost of the repairs, less the customary deductions, but not exceeding the sum insured in respect of any one casualty:

(2) Where the ship has been only partially repaired, the assured is entitled to the reasonable cost of such repairs, computed as above, and also to be indemnified for the reasonable depreciation, if any, arising from the unrepaired damage, provided that the aggregate amount shall not exceed the cost of repairing the whole damage, computed as above:

(3) Where the ship has not been repaired, and has not been sold in her damaged state during the risk, the assured is entitled to be indemnified for the reasonable depreciation arising from the unrepaired damage, but not exceeding the reasonable cost of repairing such damage, computed as above.

70.—PARTIAL LOSS OF FREIGHT.—Subject to any express provision in the policy, where there is a partial loss of freight, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the proportion of freight lost by the assured bears to the whole freight at the risk of the assured under the policy.

71.—PARTIAL LOSS OF GOODS, MERCHANDISE, &C.—Where there is a partial loss of goods, merchandise, or other moveables, the measure of indemnity, subject to any express provision in the policy, is as follows:—

(1) Where part of the goods, merchandise or other moveables insured by a valued policy is totally lost, the measure of indemnity is such proportion of the sum fixed by the policy as the insurable value of the part lost bears to the insurable value of the whole, ascertained as in the case of an unvalued policy:

(2) Where part of the goods, merchandise, or other moveables insured by an unvalued policy is totally lost, the measure of indemnity is the insurable value of the part lost, ascertained as in case of total loss:

(3) Where the whole or any part of the goods or merchandise insured has been delivered damaged at its destination, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the difference between the gross sound and damaged values at the place of arrival bears to the gross sound value:

(4) "Gross value" means the wholesale price or, if there be no such price, the estimated value, with, in either case, freight, landing charges, and duty paid beforehand; provided that, in the case of goods or merchandise customarily sold in bond, the bonded price is deemed to be the gross value. "Gross proceeds" means the actual price obtained at a sale where all charges on sale are paid by the sellers.

72.—APPORTIONMENT OF VALUATION.—(1) Where different species of property are insured under a single valuation, the valuation must be apportioned over the different species in proportion to their respective insurable values, as in the case of an unvalued policy. The insured value of any part of a species is such proportion of the total insured value of the same as the insurable value of the part bears to the insurable value of the whole, ascertained in both cases as provided by this Act.

(2) Where a valuation has to be apportioned, and particulars of the prime cost of each separate species, quality, or description of goods cannot be ascertained, the division of the valuation may be made over the net arrived sound values of the different species, qualities, or descriptions of goods.

73.—GENERAL AVERAGE CONTRIBUTIONS AND SALVAGE CHARGES.—(1) Subject to any express provision in the policy, where the assured has paid, or is liable for, any general average contribution, the measure of indemnity is the full amount of such contribution, if the subject-matter liable to contribution is insured for its full contributory value; but, if such subject-matter be not insured for its full contributory value, or if only part of it be insured, the indemnity payable by the insurer must be reduced in proportion to the under insurance, and where there has been a particular average loss which constitutes a deduction from the contributory value, and for which the insurer is liable, that amount must be deducted from the insured value in order to ascertain what the insurer is liable to contribute.

(2) Where the insurer is liable for salvage charges the extent of his liability must be determined on the like principle.

74.—Liabilities to Third Parties.—Where the assured has effected an insurance in express terms against any liability to a third party, the measure of indemnity, subject to any express provision in the policy, is the amount paid or payable by him to such third party in respect of such liability.

75.—General Provisions as to Measure of Indemnity.—(1) Where there has been a loss in respect of any subject-matter not expressly provided for in the foregoing provisions of this Act, the measure of indemnity shall be ascertained, as nearly as may be, in accordance with those provisions, in so far as applicable to the particular case.

(2) Nothing in the provisions of this Act relating to the measure of indemnity shall affect the rules relating to double insurance, or prohibit the insurer from disproving interest wholly or in part, or from showing that at the time of the loss the whole or any part of the subject-matter insured was not at risk under the policy.

76.—Particular Average Warranties.—(1) Where the subject-matter insured is warranted free from particular average, the assured cannot recover for a loss of part, other than a loss incurred by a general average sacrifice, unless the contract contained in the policy be apportionable ; but, if the contract be apportionable, the assured may recover for a total loss of any apportionable part.

(2) Where the subject-matter insured is warranted free from particular average, either wholly or under a certain percentage, the insurer is nevertheless liable for salvage charges, and for particular charges and other expenses properly incurred pursuant to the provisions of the suing and labouring clause in order to avert a loss insured against.

(3) Unless the policy otherwise provides, where the subject-matter insured is warranted free from particular average under a specified percentage, a general average loss cannot be added to a particular average loss to make up the specified percentage.

(4) For the purpose of ascertaining whether the specified percentage has been reached, regard shall be had only to the actual loss suffered by the subject-matter insured. Particular charges and the expenses of and incidental to ascertaining and proving the loss must be excluded.

77.—Successive Losses.—(1) Unless the policy otherwise provides, and subject to the provisions of this Act, the insurer is liable for successive losses, even though the total amount of such losses may exceed the sum insured.

(2) Where, under the same policy, a partial loss, which has not been repaired or otherwise made good, is followed by a total loss, the assured can only recover in respect of the total loss :

Provided that nothing in this section shall affect the liability of the insurer under the suing and labouring clause.

78.—Suing and Labouring Clause.—(1) Where the policy contains a suing and labouring clause, the engagement thereby entered into is deemed to be supplementary to the contract of insurance, and the assured may recover from the insurer any expenses properly incurred pursuant to the clause, notwithstanding that the insurer may have paid for a total loss, or that the subject-matter may have been warranted free from particular average, either wholly or under a certain percentage.

(2) General average losses and contributions and salvage charges, as defined by this Act, are not recoverable under the suing and labouring clause.

(3) Expenses incurred for the purpose of averting or diminishing any loss not covered by the policy are not recoverable under the suing and labouring clause.

(4) It is the duty of the assured and his agents, in all cases, to take such measures as may be reasonable for the purpose of averting or minimising a loss.

Rights of Insurer on Payment.

79.—Right of Subrogation.—(1) Where the insurer pays for a total loss, either of the whole, or in the case of goods of any apportionable part, of the subject-matter insured, he thereupon becomes entitled to take over the interest of the assured in whatever may remain of the subject-matter so paid for, and he is thereby subrogated

to all the rights and remedies of the assured in and in respect of that subject-matter as from the time of the casualty causing the loss.

(2) Subject to the foregoing provisions, where the insurer pays for a partial loss, he acquires no title to the subject-matter insured, or such part of it as may remain, but he is thereupon subrogated to all rights and remedies of the assured in and in respect of the subject-matter insured as from the time of the casualty causing the loss, in so far as the assured has been indemnified, according to this Act, by such payment for the loss.

80.—RIGHT OF CONTRIBUTION.—(1) Where the assured is over-insured by double insurance, each insurer is bound, as between himself and the other insurers, to contribute rateably to the loss in proportion to the amount for which he is liable under his contract.

(2) If any insurer pays more than his proportion of the loss, he is entitled to maintain an action for contribution against the other insurers, and is entitled to the like remedies as a surety who has paid more than his proportion of the debt.

81.—EFFECT OF UNDER INSURANCE.—Where the assured is insured for an amount less than the insurable value or, in the case of a valued policy, for an amount less than the policy valuation, he is deemed to be his own insurer in respect of the uninsured balance.

Return of Premium.

82.—ENFORCEMENT OF RETURN.—Where the premium, or a proportionate part thereof is, by this Act, declared to be returnable,—

(*a*) If already paid, it may be recovered by the assured from the insurer; and

(*b*) If unpaid, it may be retained by the assured or his agent.

83.—RETURN BY AGREEMENT.—Where the policy contains a stipulation for the return of the premium, or a proportionate part thereof, on the happening of a certain event, and that event happens, the premium, or, as the case may be, the proportionate part thereof, is thereupon returnable to the assured.

84.—RETURN FOR FAILURE OF CONSIDERATION.—(1) Where the consideration for the payment of the premium totally fails, and there has been no fraud or illegality on the part of the assured or his agents, the premium is thereupon returnable to the assured.

(2) Where the consideration for the payment of the premium is apportionable and there is a total failure of any apportionable part of the consideration, a proportionate part of the premium is, under the like conditions, thereupon returnable to the assured.

(3) In particular—

(*a*) Where the policy is void, or is avoided by the insurer as from the commencement of the risk, the premium is returnable, provided that there has been no fraud or illegality on the part of the assured; but if the risk is not apportionable, and has once attached, the premium is not returnable:

(*b*) Where the subject-matter insured, or part thereof, has never been imperilled, the premium, or, as the case may be, a proportionate part thereof, is returnable:

Provided that where the subject-matter has been insured "lost or not lost" and has arrived in safety at the time when the contract is concluded, the premium is not returnable unless, at such time, the insurer knew of the safe arrival;

(*c*) Where the assured has no insurable interest throughout the currency of the risk, the premium is returnable, provided that this rule does not apply to a policy effected by way of gaming or wagering;

(*d*) Where the assured has a defeasible interest which is terminated during the currency of the risk, the premium is not returnable;

(*e*) Where the assured has over-insured under an unvalued policy, a proportionate part of the premium is returnable;

(*f*) Subject to the foregoing provisions, where the assured has over-insured by double insurance, a proportionate part of the several premiums is returnable;

Provided that, if the policies are effected at different times, and any earlier policy has at any time borne the entire risk, or if a claim has been paid on the policy in respect of the full sum insured thereby, no premium is returnable in respect of that policy, and when the double insurance is effected knowingly by the assured no premium is returnable.

Mutual Insurance.

85.—Modification of Act in Case of Mutual Insurance.—(1) Where two or more persons mutually agree to insure each other against marine losses there is said to be a mutual insurance.

(2) The provisions of this Act relating to the premium do not apply to mutual insurance, but a guarantee, or such other arrangement as may be agreed upon, may be substituted for the premium.

(3) The provisions of this Act, in so far as they may be modified by the agreement of the parties, may in the case of mutual insurance be modified by the terms of the policies issued by the association, or by the rules and regulations of the association.

(4) Subject to the exceptions mentioned in this section, the provisions of this Act apply to a mutual insurance.

Supplemental.

86.—Ratification by Assured.—Where a contract of marine insurance is in good faith effected by one person on behalf of another, the person on whose behalf it is effected may ratify the contract even after he is aware of a loss.

87.—Implied Obligations varied by Agreement or Usage.—(1) Where any right, duty, or liability would arise under a contract of marine insurance by implication of law, it may be negatived or varied by express agreement, or by usage, if the usage be such as to bind both parties to the contract.

(2) The provisions of this section extend to any right, duty, or liability declared by this Act which may be lawfully modified by agreement.

88.—Reasonable Time, &c. a Question of Fact.—Where by this Act any reference is made to reasonable time, reasonable premium, or reasonable diligence, the question what is reasonable is a question of fact.

89.—Slip as Evidence.—Where there is a duly stamped policy, reference may be made, as heretofore, to the slip or covering note, in any legal proceeding.

90.—Interpretation of Terms.—In this Act, unless the context or subject-matter otherwise requires,—

"Action" includes counter-claim and set off:

"Freight" includes the profit derivable by a shipowner from the employment of his ship to carry his own goods or moveables, as well as freight payable by a third party, but does not include passage money:

"Moveables" means any moveable tangible property, other than the ship, and includes money, valuable securities, and other documents:

"Policy" means a marine policy.

91.—Savings.—(1) Nothing in this Act, or in any repeal effected thereby, shall affect—

(*a*) The provisions of the Stamp Act, 1891 (54 & 55 Vict. c. 39), or any enactment for the time being in force relating to the revenue;

(*b*) The provisions of the Companies Act, 1862 (25 & 26 Vict. c. 89), or any enactment amending or substituted for the same;

(*c*) The provisions of any statute not expressly repealed by this Act.

(2) The rules of the common law including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts of marine insurance.

92.—Repeals.—The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in that schedule.

93.—Commencement.—This Act shall come into operation on the first day of January one thousand nine hundred and seven.

94.—SHORT TITLE.—This Act may be cited as the Marine Insurance Act, 1906.

SCHEDULES.

FIRST SCHEDULE.

FORM OF POLICY (S. 30).

LLOYD'S S.G. POLICY.—BE IT KNOWN THAT as well in own name as for and in the name and names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in all doth make assurance and cause and them, and every of them, to be insured lost or not lost, at and from

Upon any kind of goods and merchandises, and also upon the body, tackle, apparel, ordnance, munition, artillery, boat, and other furniture, of and in the good ship or vessel called the

whereof is master under God, for this present voyage, or whosoever else shall go for master in the said ship, or by whatsoever other name or names the said ship, or the master thereof, is or shall be named or called; beginning the adventure upon the said goods and merchandises from the loading thereof aboard the said ship,

upon the said ship, &c.

and so shall continue and endure, during her abode there, upon the said ship, &c. And further, until the said ship, with all her ordnance, tackle, apparel, &c., and goods and merchandises whatsoever shall be arrived at

upon the said ship, &c., until she hath moored at anchor twenty-four hours in good safety; and upon the goods and merchandises, until the same be there discharged and safely landed. And it shall be lawful for the said ship, &c., in this voyage, to proceed and sail to and touch and stay at any ports or places whatsoever

without prejudice to this insurance. The said ship, &c., goods and merchandises, &c., for so much as concerns the assured by agreement between the assured and assurers in this policy, are and shall be valued at

Touching the adventures and perils which we the assurers are contented to bear and do take upon us in this voyage: they are of the seas, men of war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and countermart, surprisals, takings at sea, arrests, restraints, and detainments of all kings, princes, and people, of what nation, condition, or quality soever, barratry of the master and mariners, and of all other perils, losses, and misfortunes, that have or shall come to the hurt, detriment, or damage of the said goods and merchandises, and ship, &c., or any part thereof. [*Sue and Labour Clause.*]—And in case of any loss or misfortune it shall be lawful to the assured, their factors, servants and assigns, to sue, labour, and travel for, in and about the defence, safeguards, and recovery of the said goods and merchandises, and ship, &c., or any part thereof, without prejudice to this insurance; to the charges whereof we, the assurers, will contribute each one according to the rate and quantity of his sum herein assured. [*Waiver Clause.*]—And it is especially declared and agreed that no acts of the insurer or insured in recovering, saving, or preserving the property insured shall be considered as a waiver, or acceptance of abandonment. And it is agreed by us, the insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard Street, or in the Royal Exchange, or elsewhere in London. And so we, the assurers, are contented, and do hereby promise and bind ourselves, each one

for his own part, our heirs, executors, and goods to the assured, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured, at and after the rate of

In Witness whereof we, the assurers, have subscribed our names and sums assured in London.

N.B.—[*Memorandum.*]—Corn, fish, salt, fruit, flour, and seed are warranted free from average, unless general, or the ship be stranded—sugar, tobacco, hemp, flax, hides and skins are warranted free from average, under five pounds per cent., and all other goods, also the ship and freight, are warranted free from average, under three pounds per cent. unless general, or the ship be stranded.

Rules for Construction of Policy.

The following are the rules referred to by this Act for the construction of a policy in the above or other like form, where the context does not otherwise require:—

1.—Lost or not Lost.—Where the subject-matter is insured "lost or not lost," and the loss has occurred before the contract is concluded, the risk attaches unless, at such time the assured was aware of the loss, and the insurer was not.

2.—From.—Where the subject-matter is insured "from" a particular place, the risk does not attach until the ship starts on the voyage insured.

3.—At and From (*a*).—[*Ship.*]—Where a ship is insured "at and from" a particular place, and she is at that place in good safety when the contract is concluded, the risk attaches immediately.

(*b*) If she be not at that place when the contract is concluded the risk attaches as soon as she arrives there in good safety, and, unless the policy otherwise provides, it is immaterial that she is covered by another policy for a specified time after arrival.

(*c*) [*Freight.*]—Where chartered freight is insured "at and from" a particular place, and the ship is at that place in good safety when the contract is concluded the risk attaches immediately. If she be not there when the contract is concluded, the risk attaches as soon as she arrives there in good safety.

(*d*) Where freight, other than chartered freight, is payable without special conditions and is insured "at and from" a particular place, the risk attaches pro rata as the goods or merchandise are shipped; provided that if there be cargo in readiness which belongs to the shipowner, or which some other person has contracted with him to ship, the risk attaches as soon as the ship is ready to receive such cargo.

4.—From the Loading thereof.—Where goods or other moveables are insured "from the loading thereof," the risk does not attach until such goods or moveables are actually on board, and the insurer is not liable for them while in transit from the shore to the ship.

5.—Safely Landed.—Where the risk on goods or other moveables continues until they are "safely landed," they must be landed in the customary manner and within a reasonable time after arrival at the port of discharge, and if they are not so landed the risk ceases.

6.—Touch and Stay.—In the absence of any further license or usage, the liberty to touch and stay "at any port or place whatsoever" does not authorise the ship to depart from the course of her voyage from the port of departure to the port of destination.

7.—Perils of the Seas.—The term "perils of the seas" refers only to fortuitous accidents or casualties of the seas. It does not include the ordinary action of the winds and waves.

8.—Pirates.—The term "pirates" includes passengers who mutiny and rioters who attack the ship from the shore.

9.—Thieves.—The term "thieves" does not cover clandestine theft or a theft committed by any one of the ship's company, whether crew or passengers.

10.—Restraint of Princes.—The term "arrests, &c., of kings, princes, and people" refers to political or executive acts, and does not include a loss caused by riot or by ordinary judicial process.

11.—Barratry.—The term "barratry" includes every wrongful act wilfully com-

mitted by the master or crew to the prejudice of the owner, or, as the case may be, the charterer.

12.—ALL OTHER PERILS.—The term "all other perils" includes only perils similar in kind to the perils specifically mentioned in the policy.

13.—AVERAGE UNLESS GENERAL.—The term "average unless general" means a partial loss of the subject-matter insured other than a general average loss, and does not include "particular charges."

14.—STRANDED.—Where the ship has stranded, the insurer is liable for the excepted losses, although the loss is not attributable to the stranding, provided that when the stranding takes place the risk has attached and, if the policy be on goods, that the damaged goods are on board.

15.—SHIP.—The term "ship" includes the hull, materials and outfit, stores and provisions for the officers and crew, and, in the case of vessels engaged in a special trade, the ordinary fittings requisite for the trade, and also, in the case of a steamship, the machinery, boilers, and coals and engine stores, if owned by the assured.

16.—FREIGHT.—The term "freight" includes the profit derivable by a shipowner from the employment of his ship to carry his own goods or moveables, as well as freight payable by a third party, but does not include passage money.

17.—GOODS.—The term "goods" means goods in the nature of merchandise, and does not include personal effects or provisions and stores for use on board.

In the absence of any usage to the contrary, deck cargo and living animals must be insured specifically, and not under the general denomination of goods.

SECOND SCHEDULE.

ENACTMENTS REPEALED (S. 92).

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19 Geo. 2. c. 37.	An Act to regulate insurance on ships belonging to the subjects of Great Britain, and on merchandizes or effects laden thereon.	The whole Act.
28 Geo. 3. c. 56.	An Act to repeal an Act made in the twenty-fifth year of the reign of his present Majesty, intituled "An Act for regulating Insurances on Ships, and on goods, merchandizes, or effects," and for substituting other provisions for the like purpose in lieu thereof.	The whole Act so far as it relates to marine insurance.
31 & 32 Vict. c. 86.	The Policies of Marine Assurance Act, 1868.	The whole Act.

CHAPTER XLII.

An Act to remove doubts as to the manner in which the powers and duties of justices acting in and for a borough may be exercised under the Licensing Acts, 1828 to 1904. [21*st December* 1906.]

CHAPTER XLIII.

STREET BETTING ACT, 1906 (S. 5).

An Act for the Suppression of Betting in Streets and other Public Places. [21*st December* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—BETTING IN A STREET, &C.—(1) Any person frequenting or loitering in streets or public places, on behalf either of himself or of any other person, for the purpose of bookmaking, or betting, or wagering, or agreeing to bet or wager, or paying or receiving or settling bets, shall

(*a*) in the case of a first offence be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding ten pounds;

(*b*) in the case of a second offence be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding twenty pounds; and

(*c*) in the case of a third or subsequent offence, or in any case where it is proved that the person whilst committing the offence had any betting transaction with a person under the age of sixteen years, be liable on conviction on indictment to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a term not exceeding six months without the option of a fine, or on conviction under the Summary Jurisdiction Acts to a fine not exceeding thirty pounds or to imprisonment, with or without hard labour, for a term not exceeding three months, without the option of a fine;

and shall in any case be liable to forfeit all books, cards, papers, and other articles relating to betting which may be found in his possession.

(2) Any constable may take into custody without warrant any person found committing an offence under this Act, and may seize and detain any article liable to be forfeited under this Act.

(3) Any person who appears to the court to be under the age of sixteen years shall for the purpose of this section be deemed to be under that age unless the contrary be proved, or unless the person charged shall satisfy the court that he had reasonable ground for believing otherwise.

(4) For the purpose of this section the word "street" shall include any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not; and the words "public place" shall include any public park, garden, or seabeach, and any unenclosed ground to which the public for the time being have unrestricted access, and shall also include every enclosed place (not being a public park or garden) to which the public have a restricted right of access, whether on payment or otherwise, if at or near every public entrance there is conspicuously exhibited by the owners or persons having the control of the place a notice prohibiting betting therein.

2.—Act not to Apply to a Racecourse.—Nothing contained in this Act shall apply to any ground used for the purpose of a racecourse for racing with horses or adjacent thereto on the days on which races take place.

3.—Application to Scotland.—In Scotland, "indictment" has the same meaning as in the Criminal Procedure (Scotland) Act, 1887, and "passage" includes common close or common stair or passage leading thereto; and, in the event of an offender failing to make payment of a fine imposed under section 1 (1), (*a*) or (*b*), of this Act, he shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction Acts; an offence prosecuted summarily under this Act may be tried before the sheriff or before any magistrate of any royal, parliamentary, or police burgh officiating under the provisions of any local or general Police Act.

4.—Application to Ireland.—In Ireland, where in pursuance of this Act an order is made by a court of summary jurisdiction for a term of imprisonment not exceeding one month, without the option of a fine, the party against whom the order is made shall be entitled to appeal in like manner as if the term of imprisonment exceeded one month.

5.—Short Title.—This Act may be cited as the Street Betting Act, 1906.

CHAPTER XLIV.

An Act to amend the Law with respect to the consents required for the use of ground for burials and the construction of Cemeteries. [21*st December* 1906.]

CHAPTER XLV.

An Act to repeal the provisions of the Metropolitan Police Act, 1839, *with respect to the removal of Offensive Matter in places within the Metropolitan Police District.* [21*st December* 1906.]

CHAPTER XLVI.

An Act to make provision as to the appointment of Deputies for Recorders, Stipendiary Magistrates, and Clerks of the Peace, and for the temporary performance of the duties of those officers in case of vacancies. [21*st December* 1906.]

CHAPTER XLVII.

TRADE DISPUTES ACT, 1906 (s. 5).

An Act to provide for the regulation of Trades Unions and Trade Disputes.

[21*st December* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—AMENDMENT OF LAW OF CONSPIRACY IN THE CASE OF TRADE DISPUTES.—The following paragraph shall be added as a new paragraph after the first paragraph of section three of the Conspiracy and Protection of Property Act, 1875 (38 & 39 Vict. c. 86):—

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

2.—PEACEFUL PICKETING.—(1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

(2) Section seven of the Conspiracy and Protection of Property Act, 1875, is hereby repealed from "attending at or near" to the end of the section.

3.—REMOVAL OF LIABILITY FOR INTERFERING WITH ANOTHER PERSON'S BUSINESS, &C.—An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

4.—PROHIBITION OF ACTIONS OF TORT AGAINST TRADE UNIONS.—(1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the Trades Union Act, 1871 (34 & 35 Vict. c. 31), section nine, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

5.—SHORT TITLE AND CONSTRUCTION.—(1) This Act may be cited as the Trade Disputes Act, 1906, and the Trade Union Acts, 1871 and 1876, and this Act may be cited together as the Trade Union Acts, 1871 to 1906.

(2) In this Act the expression "trade union" has the same meaning as in the Trade Union Acts, 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade union.

(3) In this Act and in the Conspiracy and Protection of Property Act, 1875, the expression "trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person, and the expression "workmen" means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section three of the last-mentioned Act, the words "between employers and workmen" shall be repealed.

CHAPTER XLVIII.

MERCHANT SHIPPING ACT, 1906 (s. 86).

[6 Edw. 7. Ch. 48.]

ARRANGEMENT OF SECTIONS.

Part I.—Safety.

Section.

1. Application of British loadline provisions to foreign ships.
2. Detention of foreign ships when unsafe owing to defective equipment, &c.
3. Loading of grain cargoes on foreign ships.
4. Power to apply rules as to life-saving appliances to foreign ships in certain cases.
5. Appointed day.
6. Saving for ship coming in under stress of weather, &c.
7. Coasting steamships not to be exempt from loadline provisions.
8. Extension of provisions as to the time of marking loadline.
9. Entry in log-book of boat drill, &c.
10. Loading of timber.
11. Summary prosecution for offences under the loading of grain provisions.
12. Prohibition of engagement of seamen with insufficient knowledge of English.

Part II.—Passenger and Emigrant Ships.

13. Inclusion of foreign steamships as passenger steamers.
14. Definition of steerage passenger.
15. Passengers landed or embarked by means of tenders.
16. Restriction as to the decks on which passengers may be carried.
17. Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act.
18. Copies of scale of provisions applicable to voyage to be produced to steerage passenger and posted up in ship.
19. Provision as to the time at which a steerage passenger is to be ready to embark.
20. Power to allow continuing master's bond.
21. Penalty on master or owner for non-compliance with provisions as to passenger steamers.
22. Overcrowding of passenger steamers.
23. Sale of steerage passages.
24. Frauds in inducing or attempting to induce persons to engage passages.

Part III.—Seamen's Food.

25. Statutory scale of provisions for crew.
26. Inspection of provisions and water.
27. Certificated cooks for foreign-going ships.

Part IV.—Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad.

28. Dealing with wages and effects of a seaman who is left behind.
29. Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.
30. Sanction required for discharge of seamen out of the United Kingdom.
31. Certificate of discharge abroad.
32. Repatriation of seamen on termination of service at foreign port.
33. Discharge, &c. of seamen on change of ownership of ship at a foreign port.
34. Expenses of medical attendance in case of injury or illness.
35. Recovery of expenses from owner.
36. Certificate of proper authority required where a seaman is left behind abroad.

Section.
37. Account of wages in case of seaman left behind on ground of unfitness or inability to proceed to sea.
38. Payment of wages of seaman left behind on ground of unfitness or inability to proceed to sea.
39. Application by British consular officer of payments on account of wages of seamen left behind.
40. Regulations as to relief and maintenance of distressed seamen.
41. Provisions for relief and maintenance of distressed seamen.
42. Recovery of expenses of relief of distressed seamen.
43. Penalty for forcing seamen on shore.
44. Deduction from wages and payment to superintendents, &c., of fines.
45. Proper return port.
46. Mode of providing for return.
47. Decision of questions as to return by proper authority.
48. Provisions as to taking distressed seamen on ships.
49. Definitions of "proper authority" and "seamen."

PART V.—MISCELLANEOUS.

50. Ships' names.
51. Power to inquire into the title of a registered ship to be registered.
52. Provisions with respect to mortgages of ships sold to foreigners.
53. Amendment of 57 & 58 Vict. c. 60. s. 48.
54. Deduction of spaces used for water ballast in ascertaining tonnage.
55. Crew space of foreign ships.
56. Second mate certificates allowed in small foreign-going sailing ships.
57. Powers of court in case of unreasonable delay in paying master's wages.
58. Title to be rated as A.B.
59. Notice of disrating of seaman.
60. Power to except claims from release on settlement of wages.
61. Obligation to offer allotment notes.
62. Time for payment of allotment note.
63. Master to give facilities to seamen for remitting wages.
64. Increase of crew space.
65. Provisions as to failure to join ship and desertion.
66. Appeal from decision on investigation as to shipping casualties.
67. Power of naval court to send a person sentenced to imprisonment home to undergo sentence.
68. Appeal from naval courts.
69. Calculation of tonnage of steamship for the purpose of limitation of liability.
70. Liability of shipowners as respects ships launched but not registered.
71. Liability of charterer.
72. Delivery of wreck to receiver.
73. Alien pilotage certificates.
74. Provisions as to superintendence, &c.
75. Substitution of ship surveyor for shipwright surveyor.
76. Return to be furnished by masters of ships as to passengers.
77. Return as to cattlemen brought to the United Kingdom.
78. Dispensing powers of the Board of Trade.
79. Power to appoint advisory committees.
80. Power to register Government ships under the Merchant Shipping Acts.
81. Application of certain sections of principal Act to Scotland.
82. Amendment of procedure in Scotland.
83. Amendment of section 744 of 57 & 58 Vict. c. 60, as respects Scottish whalers.

PART VI.—SUPPLEMENTAL.

84. Construction of references to Merchant Shipping Acts.
85. Repeal.
86. Short title and commencement.

SCHEDULES.

CHAPTER XLVIII.

Merchant Shipping Act, 1906.

An Act to amend the Merchant Shipping Acts, 1894 to 1900. [21*st December* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Part I.—Safety.

1.—Application of British Loadline Provisions to Foreign Ships.—Sections four hundred and thirty-seven to four hundred and forty-three of the principal Act (which relate to loadline) except subsections (3) and (4) of section four hundred and forty, shall, after the appointed day, apply to all foreign ships while they are within any port in the United Kingdom, as they apply to British ships, without prejudice—

(*a*) to the power of His Majesty previously to apply those provisions to the ships of any foreign country, if the Government of that country so desire, under section seven hundred and thirty-four of the principal Act; and

(*b*) to any direction of His Majesty in Council given under section four hundred and forty-five of the principal Act in the case of ships of any foreign country in which the regulations in force relating to overloading and improper loading are equally effective with the provisions of the principal Act.

2.—Detention of Foreign Ships when Unsafe owing to Defective Equipment, &c.—Section four hundred and sixty-two of the principal Act (which relates to the detention of foreign ships)—

(1) shall apply in the case of a ship which is unsafe by reason of the defective condition of her hull, equipments, or machinery, and accordingly that section shall be construed as if the words "by reason of the defective condition of her hull, equipments, or machinery, or" were inserted before the words "by reason of overloading or improper loading"; and

(2) shall apply with respect to any foreign ships being at any port in the United Kingdom, whether those ships take on board any cargo at that port or not.

3.—Loading of Grain Cargoes on Foreign Ships.—(1) After the first day of October one thousand nine hundred and seven, sections four hundred and fifty-two and four hundred and fifty-five of the principal Act shall apply to a foreign ship which loads a grain cargo in the United Kingdom so long as the ship is within a port in the United Kingdom.

(2) If, after the first day of October one thousand nine hundred and seven, a foreign ship laden with grain cargo arrives at any port in the United Kingdom, having the grain cargo so loaded that the master of the ship, if the ship were a British ship, would be liable to a penalty under the provisions of Part V. of the principal Act relating to the carriage of grain, the master of that foreign ship shall be liable to a fine not exceeding three hundred pounds.

(3) After the first day of October one thousand nine hundred and seven section four hundred and fifty-five of the principal Act shall apply to a foreign ship laden with grain which discharges all or any part of her cargo at any port in the United Kingdom so long as the ship is within a port in the United Kingdom.

(4) The provisions of section four hundred and fifty-four of the principal Act, so far as that section provides for the delivery of the notice mentioned therein to the proper officer of customs in the United Kingdom, shall apply to all foreign ships laden with grain cargo arriving at a port in the United Kingdom after the date aforesaid, and the master of the ship shall be liable accordingly.

4.—Power to apply Rules as to Life-saving Appliances to Foreign Ships in Certain Cases.—Sections four hundred and twenty-seven to four hundred and thirty-one of the principal Act relating to life-saving appliances shall, after the appointed

day, apply to all foreign ships while they are within any port of the United Kingdom as they apply to British ships:

Provided that His Majesty may by Order in Council direct that those provisions shall not apply to any ship of a foreign country in which the provisions in force relating to life-saving appliances appear to His Majesty to be as effective as the provisions of Part V. of the principal Act, on proof that those provisions are complied with in the case of that ship.

5.—APPOINTED DAY.—For the purposes of this Part of this Act the appointed day shall be the first day of January nineteen hundred and nine, or such other day not being more than twelve months later, as the Board of Trade may appoint; and different days may be appointed for different provisions of this Part of this Act, and for different foreign countries.

6.—SAVING FOR SHIP COMING IN UNDER STRESS OF WEATHER, &C.—Nothing in the foregoing provisions of this Part of this Act shall affect any foreign ship not bound to a port of the United Kingdom which comes into any port of the United Kingdom for any purpose other than the purpose of embarking or landing passengers, or taking in or discharging cargo or taking in bunker coal.

7.—COASTING STEAMSHIPS NOT TO BE EXEMPT FROM LOADLINE PROVISIONS.—The exemption of ships under eighty tons register employed solely in the coasting trade under sections four hundred and thirty-seven and four hundred and thirty-eight of the principal Act (which relate to the marking of deck lines and loadlines) shall cease so far as respects steamships:

Provided that the Board of Trade may except from the provisions of this section any class of steamships, so long as they do not carry cargo, and the provisions of this section shall not apply to any steamship belonging to any class so excepted.

8.—EXTENSION OF PROVISIONS AS TO THE TIME OF MARKING LOADLINE.—(1) Section four hundred and forty of the principal Act (which relates to the time for marking loadlines) shall apply to all British foreign-going ships, and, so far as it is applied by this Act to foreign ships, to all foreign foreign-going ships, whether the owner is required to enter the ship outwards or not.

(2) In the case of a ship which the owner is not required to enter outwards—

(*a*) the disc indicating the loadline shall be marked before clearance for the ship is demanded;

(*b*) the master shall prepare a statement similar to that required to be inserted in the form of entry under subsection (2) of the said section four hundred and forty, and in the case of a British ship shall enter a copy of the statement in the agreement with the crew and in the official log book, and subsections (3) and (4) of that section shall apply accordingly;

(*c*) the master shall deliver a copy of the statement to the officer of customs from whom a clearance for the ship is demanded, and a clearance shall not be granted until the statement is so delivered.

(3) Where the certificate referred to in subsection (4) of section four hundred and forty-three of the principal Act (which relates to regulations as to loadline) is required to be delivered, the provisions of this section as to the statement to be prepared by the master shall not take effect.

(4) For the purpose of providing for an alteration of marks during a voyage, subsection (5) of section four hundred and forty of the principal Act shall be read as if the words "or, if the mark has been altered abroad in accordance with regulations made by the Board of Trade for the purpose, marked with the mark as so altered" were added after the words "so marked," and subsection (2) of section four hundred and forty-three of the principal Act shall be read as if the purposes for which regulations may be made under that section included provision for the alteration of marks on ships abroad.

9.—ENTRY IN LOG-BOOK OF BOAT DRILL, &C.—(1) The master of every British ship shall enter or cause to be entered in the official log-book, a statement, or if there is no official log-book, cause a record to be kept, of every occasion on which boat drill is practised on board the ship, and on which the life-saving appliances on board the ship have been examined for the purpose of seeing that those appliances are fit and ready for use.

(2) The master shall, if and when required by any officer of the Board of Trade, produce for inspection any record kept by him for the purposes of this section.

(3) If the master of a ship fails to comply with any requirement of this section, he shall be liable on summary conviction for each offence to a fine not exceeding ten pounds.

10.—Loading of Timber.—(1) If a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying any heavy or light wood goods as deck cargo (except under the conditions allowed by this section), the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a fine not exceeding five pounds for every hundred and fifty cubic feet of space in which wood goods are carried in contravention of this section.

(2) The conditions under which heavy wood goods may be carried as deck cargo are as follows:—

(*a*) that they must only be carried in covered spaces; and

(*b*) that they must be carried only in such class of ships as may be approved by the Board of Trade for the purpose; and

(*c*) that they must be loaded in accordance with regulations made by the Board of Trade with respect to the loading thereof.

(3) The conditions under which light wood goods may be carried as deck cargo are as follows:—

(*a*) Each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet; and

(*b*) The height above the deck to which the goods are carried must not exceed—

(i) in the case of an uncovered space on a deck forming the top of a break, poop, or other permanent closed-in space on the upper deck, three feet above the top of that closed-in space; and

(ii) in the case of an uncovered space, not being a space forming the top of any permanent closed-in space on the upper deck or a space forming the top of a covered space, the height of the main rail, bulwark, or plating, or one-fourth of the inside breadth of the ship, or seven feet, whichever height is the least; and

(iii) in the case of a covered space the full height of that space:

(*c*) Regulations may be made by the Board of Trade for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this section, and those regulations must be complied with on the ship.

(4) A master or owner shall not be liable to any fine under this section—

(*a*) in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

(*b*) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(*c*) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

(5) For the purposes of this section—

(*a*) the expression "heavy wood goods" means—

(i) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

(ii) any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; and

(*b*) the expression "light wood goods" means any deals, battens, or other light wood goods of any description; and

(*c*) the expression "deck cargo" means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage; and

(*d*) the space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines enclosing a rectangular space sufficient to include the goods.

(6) Nothing in this section shall affect any ship not bound to a port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any purpose other than the delivery of her cargo.

(7) This section shall come into operation on the passing of this Act.

11.—SUMMARY PROSECUTION FOR OFFENCES UNDER THE LOADING OF GRAIN PROVISIONS.—Any offence for which a person is liable to a fine under subsection (2) of section four hundred and fifty-two of the principal Act (which relates to the obligation to take precautions to prevent grain cargo from shifting) or under any provision of this Act which relates to the lading of grain cargoes on foreign ships may be prosecuted summarily; but the fine to which a person is liable for any such offence shall not, if the offence is prosecuted summarily, exceed a hundred pounds.

12.—PROHIBITION OF ENGAGEMENT OF SEAMEN WITH INSUFFICIENT KNOWLEDGE OF ENGLISH.—After the thirty-first day of December nineteen hundred and seven, the superintendent or other officer, before whom a seaman is engaged to be entered on board any British ship at any port in the British Islands or on the continent of Europe between the River Elbe and Brest inclusive, shall not allow a seaman to sign the agreement if in his opinion the seaman does not possess a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties; but nothing in this section shall apply to any British subject or inhabitant of a British protectorate or to any lascar:

Provided that where a seaman has been allowed to sign an agreement after the date on which this section comes into force, and is discharged before a superintendent or other officer, the superintendent or officer shall note the fact on his certificate of discharge in manner directed by the Board of Trade, and a superintendent or other officer shall not under this section refuse to allow a seaman who holds a certificate so noted to sign an agreement unless the superintendent or officer considers that there are special reasons for the refusal, and in that case he shall make a special report of the matter to the Board of Trade.

PART II.—PASSENGER AND EMIGRANT SHIPS.

13.—INCLUSION OF FOREIGN STEAMSHIPS AS PASSENGER STEAMERS.—The definition of "passenger steamer" in section two hundred and sixty-seven of the principal Act shall be amended so as to include every foreign steamship (whether originally proceeding from a port in the United Kingdom or from a port out of the United Kingdom) which carries passengers to or from any place, or between any places, in the United Kingdom.

14.—DEFINITION OF STEERAGE PASSENGER.—The following paragraph shall be substituted for paragraph (3) of section two hundred and sixty-eight of the principal Act—

"(3) The expression 'steerage passenger' means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless—

"(*a*) the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each statute adult; and

"(*b*) the fare contracted to be paid by them amounts to at least the sum of twenty-five pounds for the entire voyage or is in the proportion of at least sixty-five shillings for every thousand miles of the length of the voyage; and

"(*c*) they have been furnished with a duly signed contract ticket in the form prescribed by the Board of Trade for cabin passengers."

15.—PASSENGERS LANDED OR EMBARKED BY MEANS OF TENDERS.—Where a

passenger steamer takes on board passengers from a tender, or lands passengers by means of a tender, she shall be deemed to be taking the passengers on board from, or landing the passengers at, the port from or to which the tender comes or goes, and passengers conveyed in a tender to or from a ship from or to a place in the United Kingdom shall for the purposes of Part III. of the principal Act, and for the purposes of any returns to be made under the Merchant Shipping Acts, be deemed to be passengers carried from or to a place in the United Kingdom.

16.—Restriction as to the Decks on which Passengers may be carried.—(1) A ship shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

(2) If this section is not complied with in the case of any ship the master of the ship shall for each offence be liable to a fine not exceeding five hundred pounds.

17.—Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act.—(1) The Board of Trade may prescribe regulations, scales, conditions, and forms in substitution for those contained in the Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules of the principal Act (which relate to the number of persons carried on emigrant ships, the accommodation for steerage passengers on emigrant ships, the provisions and water to be issued to steerage passengers on emigrant ships, the carriage of horses and cattle on emigrant ships, and the forms to be used under Part III. of that Act).

(2) Any reference in the Merchant Shipping Acts or in any other Act or document to any of those schedules shall be construed as a reference to the corresponding regulations, scales, conditions, or forms prescribed by the Board of Trade under this section.

18.—Copies of Scale of Provisions applicable to Voyage to be produced to Steerage Passenger and posted up in Ship.—(1) The master of every emigrant ship shall on request produce to any steerage passenger for his perusal a copy of the scale of provisions to which that person is entitled either in pursuance of the principal Act or under any conditions subject to which the Board of Trade have dispensed with that scale in pursuance of their powers under the Merchant Shipping Acts, and shall post up copies of the scale in at least two conspicuous places between the decks on which steerage passengers may be carried, and shall keep them posted so long as any steerage passenger is entitled to remain in the ship.

(2) The master shall be liable on summary conviction to a fine not exceeding forty shillings for every day during any part of which by his act or default copies of the extracts are not posted up, and shall, if he fails to produce a copy of the scale as required by this section to a steerage passenger, for each offence be liable on summary conviction to a fine not exceeding forty shillings.

(3) If any person displaces or defaces any copy of the scale posted under this section, he shall for each offence be liable on summary conviction to a fine not exceeding forty shillings.

(4) The obligation of the master under this section shall be in addition to and not in derogation of any obligation he may be under in pursuance of section three hundred and sixty-one of the principal Act.

19.—Provision as to the Time at which a Steerage Passenger is to be ready to embark.—For the purpose of adapting section three hundred and twenty-eight of the principal Act to any hour of sailing, the following paragraph shall be substituted for paragraph (i) of that section :—

"(i) The steerage passenger is at the place of embarkation before the hour appointed in his contract, or if no hour is appointed in the contract, before any hour fixed for the embarkation of which he has received not less than twenty-four hours notice; and"

20.—Power to allow continuing Master's Bond.—(1) The Board of Trade, on the application of the owner of any emigrant ship, may, by regulations made under this section, allow the master's bond required under section three hundred and nine of the principal Act, to be given, subject to such conditions as may be prescribed, in the form of a continuing bond as respects that ship.

(2) The Board of Trade may make regulations for the purpose of adapting the provisions of sections three hundred and nine and three hundred and ten of the

principal Act to the case of a continuing bond, and for prescribing the conditions under which continuing bonds may be allowed in the case of any ship.

(3) Subsection (3) of section three hundred and ten of the principal Act shall have effect with respect to every voyage of the ship during the continuance of the bond, and references to the arrival of the ship and the return of the ship shall be construed as references to the arrival of the ship and the return of the ship after any voyage, so far as respects matters happening during or in connection with the voyage.

21.—PENALTY ON MASTER OR OWNER FOR NON-COMPLIANCE WITH PROVISIONS AS TO PASSENGER STEAMERS.—If the provisions of the Merchant Shipping Acts which require a passenger steamer to be surveyed and to have a passenger steamer's certificate are not complied with in the case of any such steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable on summary conviction to a fine not exceeding ten pounds for every passenger carried from or to any place in the United Kingdom, and the master or owner of any tender by means of which passengers are taken on board or landed from any such steamer shall be liable to a like penalty for every passenger so taken on board or landed.

22.—OVERCROWDING OF PASSENGER STEAMERS.—If a passenger steamer has on board at any place a number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, the owner or master of the steamer shall, for the purposes of section two hundred and eighty-three of the principal Act, be deemed to have received those passengers on board at that place.

23.—SALE OF STEERAGE PASSAGES.—The provisions of Part III. of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

24.—FRAUDS IN INDUCING OR ATTEMPTING TO INDUCE PERSONS TO ENGAGE PASSAGES.—The following section shall be substituted for section three hundred and fifty-three of the principal Act:—

"If any person, by any false representation, fraud, or false pretence, induces or attempts to induce any person to emigrate or to engage a steerage passage in any ship, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for a period not exceeding three months."

PART III.—SEAMEN'S FOOD.

25.—STATUTORY SCALE OF PROVISIONS FOR CREW.—(1) The master of every ship for which an agreement with the crew is required under the Merchant Shipping Acts shall, if the agreement is made after the first day of June nineteen hundred and seven, furnish provisions to every member of the crew (who does not furnish his own provisions) in accordance with the scale set out in the First Schedule to this Act, and for the purposes of section one hundred and ninety-nine of the principal Act (which provides for compensation in the case of short or bad provisions) every such member of the crew of the ship shall be deemed to have stipulated by his agreement for provisions in accordance with that scale.

(2) The power of the court to modify or refuse compensation under section one hundred and ninety-nine of the principal Act shall be extended to cases where a member of the crew claiming compensation, although he has not been supplied with the provisions actually required by the scale, has been supplied with provisions containing on the whole the same or a greater amount of wholesome nutriment in their place.

(3) If the master of a ship fails to furnish provisions in accordance with this section, and the court before which the case is tried consider that the failure was due to the neglect or default of the master, the master shall be liable on summary conviction, in addition to paying compensation under section one hundred and ninety-nine of the principal Act, to a fine not exceeding one hundred pounds.

(4) His Majesty may by Order in Council vary or add to the First Schedule to this Act.

(5) This section shall not apply in the case of lascars or natives of India or others not accustomed to a European dietary, with whom an agreement is entered into providing an adequate scale of provisions suited to their needs and uses.

26.—Inspection of Provisions and Water.—(1) An inspecting officer appointed under section two hundred and six of the principal Act may inspect (either on board the ship or before shipment) any provisions or water intended for the use of the crew of any British ship which is going from any port in the United Kingdom and for which an agreement with the crew is required under the Merchant Shipping Acts (other than provisions provided by the crew themselves), and if he finds that the provisions or water are in any respect deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction:

Provided that any inspection of provisions or water under this section shall be made before shipment whenever practicable, and, if the master, owner, or agent of a ship gives notice to the inspecting officer that any provisions or water for the ship are ready for inspection, the inspecting officer shall not have power to inspect any such provisions or water under this section, if they are at a convenient place for inspection, except within forty-eight hours after the notice is given, without prejudice to the power of the inspecting officer to inspect any provisions or water not specified in the notice or without unnecessarily delaying the ship to proceed on board the ship in order to satisfy himself that there has been no evasion of the requirements of this section by the substitution of other provisions or water for those which have been inspected on shore or specified in a notice as being the provisions or water for the ship, or otherwise.

(2) Where any provisions or water are found deficient in quality under this section, the master of the ship shall be liable on summary conviction to a fine not exceeding a hundred pounds, unless the court before which the case is tried think that the finding of the inspecting officer was not justified; but if the master of the ship shows to the satisfaction of the court that the responsibility for the defects in the provisions or water rests either with the owner of the ship, or any agent of the owner of the ship, or with the person who has supplied the provisions or water, that agent, owner, or person shall be liable to conviction for the offence instead of the master, and the master shall be exempt.

(3) The master of the ship and any other person having charge of any provisions or water liable to inspection under this section shall give the inspecting officer every reasonable facility for the purpose of his inspection under this section, and, if he refuses or fails to do so shall be liable for each offence on summary conviction to a fine not exceeding ten pounds.

27.—Certificated Cooks for Foreign-going Ships.—(1) After the thirtieth day of June nineteen hundred and eight, every British foreign-going ship of a thousand tons and upwards gross tonnage, going to sea from any place in the British Islands or on the continent of Europe between the River Elbe and Brest inclusive, shall be provided with and carry a duly certificated cook who is able to prove one month's service at sea in some capacity.

(2) A cook shall not be deemed to be duly certificated within the meaning of this section unless he is the holder of a certificate of competency in cooking granted by the Board of Trade or by some school of cookery or other institution approved for the purpose by that Board, or is the holder of certificates of discharge showing at least two years' service as cook previously to the said thirtieth day of June nineteen hundred and eight.

(3) The cook shall be rated in the ship's articles as ship's cook, or in the case of ships of not more than two thousand tons gross tonnage, or ships in which the crew, or the majority of the crew, provide their own provisions, either as ship's cook or as cook and steward.

(4) In the case of an emigrant ship, the ship's cook shall be in addition to the cook required by section three hundred and four of the principal Act.

(5) If the requirements of this section are not complied with in the case of any ship, the master or owner of the ship shall, if there is no sufficient reason for the

failure to comply with the requirements, for each offence be liable on summary conviction to a fine not exceeding twenty-five pounds.

PART IV.—PROVISIONS AS TO RELIEF AND REPATRIATION OF DISTRESSED SEAMEN, AND SEAMEN LEFT BEHIND ABROAD.

28.—DEALING WITH WAGES AND EFFECTS OF A SEAMAN WHO IS LEFT BEHIND.—(1) If a seaman belonging to any British ship is left behind out of the British Islands, the master of the ship shall subject to the provisions of this section—

(*a*) as soon as may be, enter in the official log-book a statement of the effects left on board by the seaman and of the amount due to the seaman on account of wages at the time when he was left behind; and

(*b*) on the termination of the voyage during which the seaman was left behind, furnish to the proper officer within forty-eight hours after the arrival of the ship at the port at which the voyage terminates, accounts in a form approved by the Board of Trade, one (in this section referred to as the delivery account) of the effects and wages, and the other (in this section referred to as the reimbursement account) of any expenses caused to the master or owner of the ship by the absence of the seaman in cases where the absence is due to desertion, neglect to join his ship, or any other conduct constituting an offence under section two hundred and twenty-one of the principal Act. The master shall, if required by the proper officer, furnish such vouchers as may be reasonably required to verify the accounts.

(2) The master of the ship shall deliver to the proper officer the effects of the seaman as shown in the delivery account, and subject to any deductions allowed under this section, the amount due on account of wages as shown in that account, and the officer shall give to the master a receipt, in a form approved by the Board of Trade, for any effects or amount so delivered.

(3) The master of the ship shall be entitled to be reimbursed out of the wages or effects any sums shown in the reimbursement account which appear to the proper officer or, in case of an appeal under this section, to a court of summary jurisdiction to be properly chargeable, and for that purpose the officer, or, if necessary, in the case of an appeal, the Board of Trade, shall allow those sums to be deducted from the amount due on account of wages shown in the delivery account, and, so far as that amount is not sufficient, to be repaid to the master out of the effects.

The proper officer, before allowing any sums to be deducted or repaid under this provision, may require such evidence as he thinks fit as to the sums being properly chargeable to be given by the master of the ship, either by statutory declaration or otherwise.

Where the master of a ship whose voyage terminates in the United Kingdom is aggrieved by the decision of the proper officer as to the sums to be allowed as properly chargeable on his reimbursement account, and the amount in dispute exceeds ten pounds, he may appeal from the decision of the proper officer to a court of summary jurisdiction.

(4) Where during the voyage of a ship two or more seamen have been left behind, the delivery and reimbursement accounts furnished as respects each seaman may at the option of the master of the ship be dealt with, as between him and the proper officer, collectively instead of individually, and in that case the master of the ship shall be entitled to be reimbursed out of the total amount of the wages and effects of the seamen left behind the total of the amounts allowed under this section as properly chargeable on the reimbursement accounts, and shall be required to deliver to the proper officer on account of wages only the sum by which the total of the amounts shown on the delivery accounts to be due on account of wages exceeds the total of the amounts allowed as properly chargeable on the reimbursement accounts.

(5) The proper officer shall (subject to any repayment made under this section) remit the effects, and any amount received by him on account of wages under this section, at such time and in such manner as the Board of Trade require, and shall render such accounts in respect thereof as the Board direct.

(6) In this section the expression "effects" includes the proceeds of any sale of the

effects if these effects are sold under this section, and the effects shall be sold by the proper officer in such manner as he thinks fit when they are delivered to him, unless the Board of Trade direct to the contrary, and, if not so sold, shall be sold by the Board as and when they think fit unless they are delivered to the seaman.

(7) The master shall be under no liability for any loss of effects or for any damage to the effects if he proves to the proper officer that the loss or damage occurred without his neglect or privity after the seaman left the ship.

(8) The Board of Trade shall not be under any liability with respect to anything done under this section, except that, if after the wages or effects of a seaman have been dealt with under this section, any legal proceedings are taken in respect of those wages or effects, or involving the forfeiture of those wages or effects, or of any sum out of the wages, by the seaman against the master or owner of the ship, or by the master or owner of the ship against the seaman, the Board shall, if notice is given to them of the proceedings, and a reasonable opportunity afforded to them of appearing, comply with any order of the court made as respects the wages or effects, so far as they can do so out of the wages and effects remitted to them in respect of the voyage of the ship, and, so far as those wages and effects are not required for reimbursing any expenses incurred by or on behalf of the Crown, or incurred by the Government of a foreign country and repaid to that Government by or on behalf of the Crown, as expenses of a distressed seaman on behalf of the seaman.

The Board shall be entitled to appear and be heard in any such proceedings by any of their officers, and for the purpose of this section notice to any superintendent shall be deemed to be notice to the Board.

The Board may, if and so far as they think fit, meet any claim made by a seaman against the master or owner of the ship in respect of any wages or effects dealt with under this section, although legal proceedings are not actually taken in respect thereof: Provided that they have given notice to the master or owner of the ship, and the master or owner has not given written notice of objection within ten days of the notice being given.

For the purposes of this subsection, any legal proceedings taken or any claim made by a person in whose favour an allotment note has been made, or who claims reimbursement of expenses on behalf of any union or parish under section one hundred and eighty-two of the principal Act, shall be treated as proceedings taken or a claim made by the seaman.

(9) Any sums remitted under this section or arising from the sale of effects under this section shall be paid into the Exchequer, and any sums payable by the Board of Trade under this section shall be paid out of moneys provided by Parliament.

(10) If the master of a ship fails without reasonable cause to comply with this section, he shall (without prejudice to any other liability) for each offence be liable on summary conviction to a fine not exceeding twenty pounds, and, if he delivers a false account or makes a false statement or representation for the purposes of this section, he shall in respect of each offence be guilty of a misdemeanor.

(11) The proper officer for the purpose of this section shall be—

(i) at a port in the United Kingdom, a superintendent;

(ii) at a port in a British possession, a superintendent, or, in the absence of any such superintendent, the chief officer of customs at or near the port;

(iii) at a port elsewhere, the consular officer at the port.

(12) This section shall not apply in the case of an absent seaman—

(*a*) Where the master of the ship satisfies the proper officer that none of the effects of the seaman have to his knowledge been left on board the ship, and that he has paid all wages due to the seaman; or

(*b*) where the amount of wages earned by the seaman (after taking into account any deductions made in respect of allotments or advances for which provision is made by the agreement with the crew) appears from the agreement to be less than five pounds, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively; or

(*c*) where the master of the ship satisfies the proper officer that the net amount due to the seaman on account of wages (after taking into account any deductions lawfully made in respect of allotments, advances, or otherwise)

is less than three pounds, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively ; or

(*d*) where the question of the forfeiture of the wages and effects of the seaman has been dealt with in legal proceedings lawfully instituted before the termination of the voyage, or within forty-eight hours of the arrival of the ship at the port at which the voyage terminates.

29.—PROPERTY OF SEAMAN DYING ON A SHIP THE VOYAGE OF WHICH DOES NOT TERMINATE IN THE UNITED KINGDOM.—The provisions of Part II. of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

30.—SANCTION REQUIRED FOR DISCHARGE OF SEAMEN OUT OF THE UNITED KINGDOM.—(1) The master of a British ship shall not discharge a seaman at any place out of the United Kingdom (except at a port in the country in which he was shipped), unless he previously obtains, endorsed on the agreement with the crew, the sanction of the proper authority as defined for the purpose in this Part of this Act, but that sanction shall not be refused where the seaman is discharged on the termination of his service.

(2) The authority to whom an application is made for sanction under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman is to be discharged at a place out of the United Kingdom, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the sanction as he thinks just, but such sanction shall not be unreasonably withheld.

(3) If the master of a ship fails to comply with this section, he shall, in respect of each offence, be guilty of a misdemeanor, and in any legal proceeding for the offence it shall lie on the master to prove that the sanction was obtained or could not be obtained or was unreasonably withheld.

31.—CERTIFICATE OF DISCHARGE ABROAD.—Where the master of a British ship discharges a seaman at any place out of the United Kingdom, he shall give to that seaman a certificate of discharge in a form approved by the Board of Trade, and, in the case of any certificated officer whose certificate he has retained, shall return that certificate to him.

32.—REPATRIATION OF SEAMEN ON TERMINATION OF SERVICE AT FOREIGN PORT.—(1) Where the service of a seaman belonging to a British ship terminates at a port out of His Majesty's dominions otherwise than by the consent of the seaman to be discharged during the currency of the agreement, the master of the ship shall, besides giving the certificate of discharge required under this Part of this Act, and besides paying the wages to which the seaman is entitled, make adequate provision in accordance with this Act for his maintenance and for his return to a proper return port, and the proper authority as defined for the purpose in this Part of this Act shall endorse upon the agreement with the crew of the ship which the seaman is leaving the particulars of any provision so made.

(2) If the master fails, without reasonable cause, to comply with this section, the expenses of maintenance and of the journey to the proper return port,—

(*a*) if defrayed by the seaman, shall be recoverable as wages due to him ; and

(*b*) if defrayed by the proper authority or by any other person, shall (unless the seaman has been guilty of barratry) be a charge upon the ship to which the seaman belonged, and may also be recovered against the person who is the owner of the ship for the time being, or, where the ship has been lost, against the person who was the owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either against the owner for the time being or against the person who was the owner of the ship at the time of the transfer, at the suit of the proper authority or other person defraying the expenses, or, in case they

have been allowed to the authority or person out of public money, as a debt to the Crown, either by ordinary process of law or in the court and in the manner in which wages may be recovered by seamen.

(3) This section shall not apply in the case of a foreign seaman who has been shipped at a port out of the United Kingdom and discharged at a port out of the United Kingdom.

33.—Discharge, &c. of Seamen on Change of Ownership of Ship at a Foreign Port.—(1) Where a British ship is transferred or disposed of at any port out of His Majesty's dominions, any seaman belonging to that ship shall be discharged unless the seaman consents in writing in the presence of the proper authority as defined for the purpose in this Part of this Act to complete the voyage of the ship if continued.

(2) Where a seaman is so discharged the provisions of this Part of this Act as to the certificate of discharge, and the return of the seaman to a proper return port, shall apply as if the service of the seaman had terminated otherwise than by the consent of the seaman to be discharged during the currency of the agreement, and shall apply to foreign seamen whether they have been shipped at a port in the United Kingdom or not.

34.—Expenses of Medical Attendance in Case of Injury or Illness.—(1) If the master of, or a seaman belonging to, a ship receives any hurt or injury in the service of the ship, or suffers from any illness not being venereal disease, or an illness due to his own wilful act or default or to his own misbehaviour), the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master or seaman until he is cured, or dies, or is returned to a proper return port, and of his conveyance to the port, and in the case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

(2) If the master or a seaman is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in like manner.

(3) The expense of all medicines, surgical and medical advice, and attendance, given to a master or seaman whilst on board his ship shall be defrayed in like manner.

(4) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman.

35.—Recovery of Expenses from Owner.—(1) If any of the expenses attendant on the illness, hurt, or injury of a seaman, which are to be paid under the Merchant Shipping Acts by the master or owner, are paid by any authority on behalf of the Crown, or if any other expenses in respect of the illness, hurt, or injury of any seaman whose wages are not accounted for under the Merchant Shipping Acts to that authority, are so paid, those expenses shall be repaid to the authority by the master or owner of the ship.

(2) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, or where the ship has been lost from the person who was the owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, as a debt to the Crown, either by ordinary process of law or in the court and in the manner in which wages may be recovered by seamen.

(3) In any proceeding for such recovery, a certificate of the facts, signed by the said authority, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by that authority.

36.—Certificate of Proper Authority required where a Seaman is left behind Abroad.—(1) The master of a British ship shall not leave a seaman behind

at any place out of the United Kingdom, ashore or at sea (except where the seaman is discharged in accordance with the Merchant Shipping Acts), unless he previously obtains, endorsed on the agreement with the crew, the certificate of the proper authority as defined for the purpose in this Part of this Act, stating the cause of the seaman being left behind, whether the cause be unfitness or inability to proceed to sea, desertion, or disappearance or otherwise.

(2) The authority to whom an application is made for a certificate under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman is to be left behind, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the certificate as he thinks just, but the certificate shall not be unreasonably withheld.

(3) If the master of a ship fails to comply with this section, he shall (without prejudice to his liability under any other provision of the Merchant Shipping Acts) be guilty in respect of each offence of a misdemeanor, and in any legal proceeding for the offence it shall lie on the master to prove that the certificate was obtained or could not be obtained without unreasonable delay to the ship or was unreasonably withheld.

37.—ACCOUNT OF WAGES IN CASE OF SEAMAN LEFT BEHIND ON GROUND OF UNFITNESS OR INABILITY TO PROCEED TO SEA.—(1) Where a master of a British ship leaves a seaman behind on shore in any place out of the United Kingdom on the ground of his unfitness or inability to proceed to sea, he shall deliver to the person signing the required certificate of the proper authority a full and true account of the wages due to the seaman, and if that person is a consular officer shall deliver the account in duplicate.

(2) If a master fails without reasonable cause to deliver the account, he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds, and, if he knowingly delivers a false account, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds, in addition in each case to the payment of the wages.

38.—PAYMENT OF WAGES OF SEAMAN LEFT BEHIND ON GROUND OF UNFITNESS OR INABILITY TO PROCEED TO SEA.—(1) The master shall pay the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea, if he is left in a British possession to the seaman himself, and if he is left elsewhere to the British consular officer.

(2) Where payment is made to a British consular officer, that officer shall retain one duplicate of the account delivered to him, and, if satisfied with the account, endorse on the other duplicate a receipt for the payment, and return it to the master, and the master shall deliver the duplicate within forty-eight hours of his return to his port of destination, if that port is in the United Kingdom, to the superintendent at that port, and, if that port is not in the United Kingdom, to the proper authority as defined for the purpose of this Part of this Act.

(3) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bills drawn on the owner of the ship, but if payment is made by bill—

(*a*) the person signing the required certificate of the proper authority shall certify by endorsement on the bill that the bill is drawn for seamen's wages, and shall also endorse on the agreement with the crew the amount for which the bill is drawn, and such further particulars as the Board of Trade require;

(*b*) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorsee thereof; and it shall not be necessary in any proceeding against the owner upon the bill to prove that the master had authority to draw it;

(*c*) a bill purporting to be drawn and endorsed under this section shall, if produced out of the custody of the Board of Trade or of the Registrar-General of Shipping and Seamen, or of any superintendent, be admissible in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement.

(4) If a master fails, without reasonable cause, to make such payment of wages as

provided by this section, he shall for each offence be liable on summary conviction, in addition to the payment of the wages, to a fine not exceeding ten pounds.

39.—Application by British Consular Officer of Payments on Account of Wages of Seamen left behind.—Where the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea is so paid to a British consular officer, that officer shall deal with the sum so paid to him in the following manner, namely:—

(1) If the seaman subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred by him in respect of the maintenance of the seaman under the Merchant Shipping Acts, except such as the owner or master is by the Merchant Shipping Acts required to defray, and shall pay the remainder to the seaman, and deliver to him an account of the sums so received and expended on his behalf;

(2) If the seaman dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman; and

(3) If the seaman is sent to a proper return port at the public expense under the Merchant Shipping Acts, he shall account for the sum to the Board of Trade; and the sum, after deducting any expenses duly incurred in respect of the seaman, except such expenses as the master or owner of the ship is required by the Merchant Shipping Acts to pay, shall be dealt with as wages of the seaman.

40.—Regulations as to Relief and Maintenance of Distressed Seamen.—The Board of Trade shall make regulations with respect to the relief, maintenance, and return to a proper return port of shipwrecked seamen and of seamen found otherwise in distress in any place out of the United Kingdom, and may, by those regulations (in this Act referred to as the distressed seamen regulations), make such conditions as they think fit with regard to that relief, maintenance, and sending to a proper return port, and a seaman shall not have any right to be relieved, maintained, or sent to a proper return port, except in the cases and to the extent and on the conditions provided by those regulations.

41.—Provisions for Relief and Maintenance of Distressed Seamen.—(1) Where either—

(*a*) any seamen, whether subjects of His Majesty or not, are found in any place out of the United Kingdom, and have been shipwrecked from any British ship or any of His Majesty's ships, or by reason of having been discharged or left behind from any such ship in any place out of the United Kingdom, are in distress in that place, or

(*b*) any seamen, being subjects of His Majesty, who have been engaged by any person acting either as principal or agent to serve in a ship belonging to the government or to a subject or citizen of a foreign country, are in distress in any place out of the United Kingdom,

the proper authority as defined for the purpose in this Part of this Act may, and, if not a merchant, shall, in accordance with and on the conditions prescribed by the distressed seamen regulations, provide in accordance with this Act for the return of those seamen (who are in this Act included in the term distressed seamen) to a proper return port, and also provide for their necessary clothing and their maintenance until their departure for such a port, and, in addition, in the case of shipwrecked seamen for the repayment of any expenses incurred in their conveyance to port after their shipwreck, and their maintenance while being so conveyed.

(2) The authority shall be paid in respect of the expenses incurred under this section on behalf of distressed seamen such sums as the Board of Trade may allow, and those sums shall, on the production of the bills of disbursements, with the proper vouchers, be paid as provided by this Part of this Act.

42.—Recovery of Expenses of Relief of Distressed Seamen.—(1) Where any expenses (other than excepted expenses as defined by this section) are incurred by or on behalf of the Crown, or are incurred by the government of a foreign country, and repaid to that government by or on behalf of the Crown, on account of a distressed seaman, either for his maintenance, necessary clothing, conveyance to

a proper return port, or in case of death for his burial, or otherwise in accordance with this Act, those expenses (together with the wages, if any, due to the seaman) shall be a charge upon the ship, whether British or foreign, to which the distressed seaman belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, or, where the ship has been lost, from the person who was owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman for service in the ship.

(2) The debt, in addition to any fines which may have been incurred, may be recovered by the Board of Trade, on behalf of the Crown, either by ordinary process of law or in the court and manner in which wages may be recovered by seamen.

(3) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Board of Trade, shall be primâ facie evidence that the expenses were incurred or repaid under this Act by or on behalf of the Crown.

(4) For the purpose of this section, excepted expenses are expenses incurred in cases where the certificate of the proper authority obtained on leaving a seaman behind states, or the Board of Trade are otherwise satisfied, that the cause of the seaman being left behind is desertion, or disappearance, or imprisonment for misconduct, or discharge from his ship by a naval court on the ground of misconduct, and expenses incurred on account of the return to a proper return port of a distressed seaman who has been discharged at the port at which he was shipped, or at some neighbouring port.

43.—PENALTY FOR FORCING SEAMEN ON SHORE.—A person belonging to a British ship shall not wrongfully force a seaman on shore and leave him behind or otherwise cause a seaman to be wrongfully left behind at any place, either on shore or at sea, in or out of His Majesty's dominions, and if he does so he shall in respect of each offence be guilty of a misdemeanour.

44.—DEDUCTION FROM WAGES AND PAYMENT TO SUPERINTENDENTS, &C., OF FINES.—(1) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted as follows (that is to say) :—

(*a*) if the offender is discharged in the United Kingdom, and the offence, and the entry in the log book required by the Merchant Shipping Acts in respect thereof, are proved to the satisfaction, in the case of a foreign-going ship of the superintendent before whom the offender is discharged, and in the case of a home-trade ship of the superintendent at or nearest the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender;

(*b*) if the offender enters His Majesty's naval service or is discharged abroad, and the offence and the entry as aforesaid are proved to the satisfaction of the officer in command of the ship he so enters, or of the proper authority by whose sanction he is discharged, as the case may be, the fine shall be deducted as aforesaid and an entry made in the official log book of the ship and signed by the officer or authority to whose satisfaction the offence is proved.

(2) Every fine so deducted shall be paid—

(*a*) if the offender is discharged in the United Kingdom, to the superintendent;

(*b*) if the offender enters His Majesty's naval service, on the return of the ship to its port of destination, if that port is in the United Kingdom, to the superintendent before whom the crew is discharged, or in the case of a home-trade ship to the superintendent at or nearest to the port at which the crew is discharged, and, if the port of destination is not in the United Kingdom, to the proper authority as defined for the purpose of this Part of this Act;

(*c*) if the offender is discharged at any place out of the United Kingdom, to the proper authority.

(3) A proper authority shall remit any amounts received by them under this section at such times and in such manner, and render such accounts in respect thereof, as the Board of Trade require.

(4) If a master or owner fails without reasonable cause to pay any fine as required by this section, he shall for each offence be liable on summary conviction to a fine not exceeding six times the amount of the fine not so paid.

(5) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman, shall not be otherwise punished under the Merchant Shipping Acts.

45.—Proper Return Port.—For the purpose of this Part of this Act, either the port at which the seaman was shipped or a port in the country to which he belongs, or some other port agreed to by the seaman, in the case of a discharged seaman, at the time of his discharge, shall be deemed to be a proper return port:

Provided that in the case of a seaman belonging to a British possession who has been shipped and discharged out of the United Kingdom the proper officer may treat a port in the United Kingdom as a proper return port.

46.—Mode of providing for Return.—(1) A seaman may be sent to a proper return port by any reasonable route, either by sea or land, or partly by sea and partly by land.

(2) Provision shall be made for the return of the seaman as to the whole of the route if it is by sea, or as to any part of the route which is by sea, by placing the seaman on board a British ship which is in want of men to make up its complement, or, if that is not practicable, by providing the seaman with a passage in any ship, British or foreign, or with the money for his passage, and, as to any part of the route which is by land, by paying the expenses of his journey and of his maintenance during the journey, or providing him with means to pay those expenses.

(3) Where the master of a ship is required under this Part of this Act to provide for the return of a discharged seaman to a proper return port, the master may, instead of providing the seaman's passage, or the expenses of his journey, or of providing the seaman with means to pay his passage or those expenses, deposit with the proper authority such sum as that authority consider sufficient to defray the expenses of the return of the seaman to a proper return port.

(4) The Board of Trade may, by the distressed seamen regulations, make such provision as may be necessary for enabling the proper authority, and in the case of expenses required to be incurred in the United Kingdom any officer named for the purpose by the Board, to defray on behalf of the authority originally making arrangements for the return of a distressed seaman to a proper return port any expenses on account of that seaman which the authority originally acting in respect of him could defray, and any expenses so incurred shall for the purposes of this Part of this Act relating to distressed seamen be deemed to be expenses incurred on behalf of the distressed seaman.

47.—Decision of Questions as to Return by Proper Authority.—If any question arises as to what return port a seaman is to be sent to in any case, or as to the route by which he should be sent, that question shall be decided by the proper authority, and, in deciding any question under this provision, the authority shall have regard both to the convenience of the seaman and to the expense involved, and also, where that is the case, to the fact that a British ship which is in want of men to make up its complement is about to proceed to a proper return port.

48.—Provisions as to taking Distressed Seamen on Ships.—(1) Where a distressed seaman is, for the purpose of his return to a proper return port, placed on board a British ship, the authority by whom the seaman is so placed shall endorse on the agreement with the crew of the ship the name of the seaman so placed on board, together with any particulars directed to be endorsed by the distressed seamen regulations.

(2) The master of every British ship shall receive on board his ship, and afford a passage and maintenance to, all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every fifty tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

(3) On the production of a certificate, signed by the authority by whose directions

any such distressed seaman was received on board, specifying the number and names of the distressed seamen and the time when each of them was received on board, and on a declaration made by the master before a justice of the peace, or any officer authorised to administer an oath, stating the number of days during which each distressed seaman has received maintenance, and stating the full complement of his crew and the actual number of seamen employed on board his ship, and every variation in that number, whilst the distressed seamen received maintenance, the master shall be entitled to be paid, in respect to the maintenance and passage of every seaman so conveyed, maintained, and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade allow.

(4) If any master of a British ship fails without reasonable cause to comply with this section in the case of any distressed seaman, he shall for each offence be liable on summary conviction to a fine not exceeding one hundred pounds.

49.—DEFINITIONS OF "PROPER AUTHORITY" AND "SEAMEN."—For the purposes of this Part of this Act, unless the context otherwise requires,—

(1) The expression "proper authority" means—

(*a*) as respects a place out of His Majesty's dominions, the British consular officer, or, if there is no such officer in the place, any two British merchants resident at or near the place, or, if there is only one British merchant so resident, that British merchant; and

(*b*) as respects a place in a British possession—

(i) in relation to the discharge or leaving behind of seamen, or the payment of fines, a superintendent, or, in the absence of any such superintendent, the chief officer of customs at or near the place; and

(ii) in relation to distressed seamen the governor of the possession, or any person acting under his authority; and

(2) The expression "seamen" includes not only seamen as defined by the principal Act, but also apprentices to the sea service:

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the principal Act (which relate to the application of Part II. of that Act), be construed as if they were contained in Part II. of that Act.

PART V.—MISCELLANEOUS.

50.—SHIPS' NAMES.—(1) The Board of Trade, in conjunction with the Commissioners of Customs, may make regulations enabling the Board of Trade to refuse the registry of any ship by the name by which it is proposed to register that ship if it is already the name of a registered British ship or a name so similar as to be calculated to deceive, and may by those regulations require notice to be given in such manner as may be directed by the regulations before the name of the ship is marked on the ship, or before the name of the ship is entered in the register.

(2) If the registry of a ship by the name by which it is proposed to register that ship is refused by the Board of Trade, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed or until the regulations are complied with, as the case may be.

51.—POWER TO INQUIRE INTO THE TITLE OF A REGISTERED SHIP TO BE REGISTERED.—(1) Where it appears to the Commissioners of Customs that there is any doubt as to the title of any ship registered as a British ship to be so registered, they may direct the registrar of the port of registry of the ship to require evidence to be given to his satisfaction that the ship is entitled to be registered as a British ship.

(2) If within such time, not less than thirty days, as the Commissioners fix, satisfactory evidence of the title of the ship to be registered is not so given, the ship shall be subject to forfeiture under Part I. of the principal Act.

(3) In the application of this section to a port in a British possession, the Governor of the British possession, and, in the application of this section to foreign ports of registry, the Board of Trade, shall be substituted for the Commissioners of Customs.

52.—Provisions with respect to Mortgages of Ships sold to Foreigners.—(1) Subsection (1) of section twenty-one of the principal Act shall be read as if the following words were inserted at the end of that subsection, "and the registry of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein."

(2) It is hereby declared that where the registry of a ship is considered as closed under subsection (1) of section twenty-one of the principal Act as amended by this section, or under subsection (10) of section forty-four of that Act, on account of a transfer to persons not qualified to be owners of British ships, any unsatisfied registered mortgage (including mortgages made under a certificate of mortgage) may, if the ship comes within the jurisdiction of any court in His Majesty's dominions which has jurisdiction to enforce the mortgage, or would have had such jurisdiction if the transfer had not been made, be enforced by that court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a court, to the effect of that judgment.

53.—Amendment of 57 & 58 Vict. c. 60. s. 48.—The following subsection shall be substituted for subsection (2) of section forty-eight of the principal Act :—

"(2) If default is made in registering anew a ship, or in registering an alteration of a ship so altered as aforesaid, the owner of the ship shall be liable on summary conviction to a fine not exceeding one hundred pounds, and in addition to a fine not exceeding five pounds for every day during which the offence continues after conviction."

54.—Deduction of Spaces used for Water Ballast in ascertaining Tonnage.—(1) For the purpose of enabling spaces used for water ballast to be deducted in ascertaining the register tonnage of a ship, section seventy-nine of the principal Act shall be read as if the words—

"(iv) Any space (other than a double bottom) adapted only for water ballast; and"

were added at the end of paragraph (*a*) of subsection (1) of that section.

(2) For the purpose of obtaining the benefit of a deduction under this section the owner of any existing ship who claims to be entitled to the deduction may apply to the Board of Trade to have the necessary remeasurements of his ship made, and the Board of Trade, on the payment of such fee, not exceeding in any case one-fifth of the corresponding maximum fee fixed by the Third Schedule to the principal Act, as they may authorise, shall direct those measurements to be made, and the number denoting the register tonnage shall be altered accordingly.

55.—Crew Space of Foreign Ships.—Subsection (1) of section eighty-four of the principal Act shall be read as if the following words were added thereto, namely, "and any space shown by the certificate of registry or other national papers of any such ship as deducted from tonnage on account of being occupied by seamen or apprentices, and appropriated to their use, shall be deemed to have been certified under this Act, and to comply with the provisions of this Act which apply to such a space in the case of British ships, unless a surveyor of ships certifies to the Board of Trade that the construction and the equipment of the ship as respects that space do not come up to the standard required under this Act in the case of a British ship, and if any question arises whether the construction and the equipment of the ship so come up to the required standard a surveyor of ships may inspect the ship for purpose of determining whether such a certificate should be given by him or not."

56.—Second Mate Certificates allowed in small Foreign-going Sailing Ships.—The following paragraph shall be substituted for paragraph (*b*) of subsection (1) of section ninety-two of the principal Act (which relates to the certificates of competency to be held by officers of ships) :—

"(*b*) If the ship is of one hundred tons burden or upwards with at least one officer besides the master holding a certificate not lower than that of—

(i) mate in the case of a home trade passenger ship;

(ii) second mate in the case of a foreign-going sailing ship of not more than two hundred tons burden); and

(iii) only mate in the case of any other foreign-going ship."

57.—Powers of Court in Case of unreasonable Delay in paying Masters'

WAGES.—In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages, the court may, if it appears to them that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as they think just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account.

58.—TITLE TO BE RATED AS A.B.—(1) For the purpose of reducing the period of service required as a qualification for the rating of A.B., the period of "three years before the mast" shall be substituted for the period of "four years before the mast," and "two years of that employment" shall be substituted for "three years of that employment," and "two or more years sea service" shall be substituted for "three or more years sea service," in section one hundred and twenty-six of the principal Act

(2) Any superintendent or other officer before whom a seaman is engaged shall refuse to enter the seaman as A.B. on the agreement with the crew unless the seaman gives such satisfactory proof as is required by section one hundred and twenty-six of the principal Act of his title to be so rated; and if any seaman, for the purpose of obtaining a rating as A.B., makes any false statement or false representation, he shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

59.—NOTICE OF DISRATING OF SEAMAN.—(1) Where the master of a ship disrates a seaman he shall forthwith enter or cause to be entered in the official log book a statement of the disrating, and furnish the seaman with a copy of the entry; and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished.

(2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections one hnndred and thirty-two and one hundred and thirty-three of the principal Act (which relate to the delivery of the account of wages and the allowance of deductions therefrom).

60.—POWER TO EXCEPT CLAIMS FROM RELEASE ON SETTLEMENT OF WAGES.—Notwithstanding anything in section one hundred and thirty-six of the principal Act, a seaman may except from the release signed by him under that section any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release. The release shall not operate as a discharge and settlement of any claim or demand so noted, nor shall subsection (4) of that section apply to any payment, receipt, or settlement made with respect to any such claim or demand.

61.—OBLIGATION TO OFFER ALLOTMENT NOTES.—In order to give effect to the provisions of section one hundred and forty-one of the principal Act enabling a seaman to require a stipulation for the allotment of his wages by means of an allotment note every superintendent or other officer before whom the seaman is engaged shall, after the seaman has signed the agreement, inquire of the seaman whether he requires such a stipulation for the allotment of his wages by means of an allotment note, and if the seaman requires such a stipulation shall insert the stipulation in the agreement with the crew, and any such stipulation shall be deemed to have been agreed to by the master.

62.—TIME FOR PAYMENT OF ALLOTMENT NOTE.—A payment under an allotment note shall begin at the expiration of one month from the date of the agreement with the crew and shall be paid at the expiration of every subsequent month after the first month, and shall be paid only in respect of wages earned before the date of payment.

63.—MASTER TO GIVE FACILITIES TO SEAMEN FOR REMITTING WAGES.—(1) Where the balance of wages due to a seaman is more than ten pounds, and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to a savings bank, or to a near relative in whose favour an allotment note may be made, the master shall give to the seaman all reasonable facilities for so doing so far as regards so much of the balance as is in

excess of ten pounds, but shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port, or otherwise than conditionally on the seaman going to sea in the ship.

(2) If the master of a ship fails to comply with the provisions of this section, he shall be liable on summary conviction for each offence to a fine not exceeding five pounds.

64.—Increase of Crew Space.—(1) Subsection (1) of section two hundred and ten of the principal Act (which provides for the space required for each seaman or apprentice in any place in a British ship occupied by seamen or apprentices and appropriated to their use) shall be construed as if a space of not less than one hundred and twenty cubic feet and of not less than fifteen superficial feet measured on the deck or floor of that place were substituted for a space of not less than seventy-two cubic feet and of not less than twelve superficial feet measured on the deck or floor of that place.

(2) In estimating the space available for the proper accommodation of seamen and apprentices, there may be taken into account the space occupied by any mess rooms, bath rooms, or washing places appropriated exclusively to the use of those seamen and apprentices, so, however, that the space in any place appropriated to the use of seamen or apprentices in which they sleep is not less than seventy-two cubic feet and twelve superficial feet for each seaman or apprentice.

(3) Nothing in this section shall affect—

(*a*) any ship registered before the passing of this Act or which was in course of construction on the first day of January nineteen hundred and seven; or

(*b*) any ship of not more than three hundred tons burden; or

(*c*) any fishing boat within the meaning of Part IV. of the principal Act,

or require any additional space to be given in the case of places occupied solely by lascars and appropriated to their use.

65.—Provisions as to Failure to join Ship and Desertion.—(1) Where a seaman who has been lawfully engaged and has received under his agreement an advance note, after negotiating his advance note, wilfully or through misconduct fails to join his ship or deserts therefrom before the note becomes payable, he shall, on summary conviction, be liable to a fine not exceeding five pounds, or, at the discretion of the court, to imprisonment for not exceeding twenty-one days, but nothing in this section shall take away or limit any remedy by action or by summary procedure before justices which any person would otherwise have in respect of the negotiation of the advance note, or which an owner or master would otherwise have for breach of contract.

(2) Where it is shown to the satisfaction of the superintendent that a seaman lawfully engaged has wilfully or through misconduct failed to join his ship, the superintendent shall report the matter to the Board of Trade, and that Board may direct that any of the seaman's certificates of discharge shall be withheld for such period as they may think fit, and, while a seaman's certificate of discharge is so withheld, the Registrar-General of Shipping and Seamen, and any other person having the custody of the necessary documents, may, notwithstanding anything in the Merchant Shipping Acts, refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or character.

66.—Appeal from Decision on Investigation as to Shipping Casualties.—Where, on any investigation or inquiry under the provisions of Part VI. of the principal Act, the court find that a shipping casualty has been caused or contributed to by the wrongful act or default of any person, and an application for re-hearing has not been made under section four hundred and seventy-five or section four hundred and seventy-eight of the principal Act, or has been refused, the owner of the ship, or any other person who, having an interest in the investigation or inquiry, has appeared at the hearing and is affected by the decision of the court, may appeal from that decision in the same manner and subject to the same conditions in and subject to which a master may appeal under those sections against a decision with respect to the cancelling or suspension of his certificate.

67.—Power of Naval Court to send a Person sentenced to Imprisonment Home to undergo Sentence.—(1) The powers of a naval court under section four

hundred and eighty-three of the principal Act (which deals with those powers) shall include a power to send an offender sentenced by the Court to imprisonment either to the United Kingdom or to any British possession to which his Majesty by Order in Council has applied this section, as appears to them most convenient for the purpose of being imprisoned, and the court may take the same steps, and for that purpose shall have the same powers, as respects the orders which may be given to masters of ships as a consular officer has for the purpose of sending an offender for trial under section six hundred and eighty-nine of the principal Act, and subsections (2), (4), and (5) of that section shall apply with the necessary modification.

(2) Any master of a ship to whose charge an offender is committed under this section shall, on his ship's arrival in the United Kingdom or in a British Possession, as the case may be, give the offender into the custody of some police officer or constable, and the offender shall be dealt with as if he had been convicted and sentenced to imprisonment by a court of competent jurisdiction in the United Kingdom or in the British possession, as the case may be.

(3) His Majesty may by Order in Council apply this section to any British possession the Legislature of which consents to that application.

68.—APPEAL FROM NAVAL COURTS.—(1) Any person aggrieved by an order of a naval court ordering the forfeiture of wages, or by a decision of a naval court of a question as to wages, fines, or forfeitures, may appeal to the High Court in such manner and subject to such conditions and provisions as may be provided by rules of court, and on any such appeal the High Court may confirm, quash, or vary the order or decision appealed against as they think just.

(2) Subsection (2) of section four hundred and eighty-three of the principal Act shall not have effect with respect to any order of a naval court which is quashed on an appeal under this section, and, where an order of a naval court is varied on appeal, shall apply as if the order as so varied were the order originally made by the naval court.

69.—CALCULATION OF TONNAGE OF STEAMSHIP FOR THE PURPOSE OF LIMITATION OF LIABILITY.—For the purpose of the limitation under the Merchant Shipping Acts of the liability of owners of ships, docks, or canals, and of harbour authorities and conservancy authorities, the tonnage of a steamship shall be her registered tonnage, with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage, and the words "registered tonnage with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage" shall accordingly be substituted in paragraph (*a*) of subsection (2) of section five hundred and three of the principal Act for "gross tonnage without deduction on account of engine-room."

70.—LIABILITY OF SHIPOWNERS AS RESPECTS SHIPS LAUNCHED BUT NOT REGISTERED.—The proviso to section one of the Merchant Shipping (Liability of Shipowners) Act, 1898 (61 & 62 Vict. c. 14), shall cease to have effect, but that section shall not be construed so as to extend section five hundred and two of the principal Act to the owners of any ship, or any share therein, after the ship has become a foreign ship.

71.—LIABILITY OF CHARTERER.—Sections five hundred and two to five hundred and nine of the principal Act shall be read so that the word "owner" shall be deemed to include any charterer to whom the ship is demised.

72.—DELIVERY OF WRECK TO RECEIVER.—Section five hundred and eighteen of the principal Act shall apply to wreck found or taken possession of outside the limits of the United Kingdom, and brought within the limits of the United Kingdom, as it applies to wreck found or taken possession of within the limits of the United Kingdom.

73.—ALIEN PILOTAGE CERTIFICATES.—After the date of the passing of this Act a pilotage certificate shall not be granted to the master or mate of a ship unless he is a British subject, but nothing in this section shall affect the renewal of a pilotage certificate granted before the first day of June nineteen hundred and six to a master or mate who is not a British subject.

A pilotage certificate includes not only a certificate which may be granted under sections five hundred and ninety-nine and six hundred of the principal Act, but also the certificate which may be granted under section six hundred and four of that Act.

74.—Provisions as to Superintendents, &c.—(1) In the United Kingdom, all superintendents, deputies, clerks, and servants in mercantile marine offices shall be appointed and removable by the Board of Trade, and all superintendents, whether appointed before or after the commencement of this Act, shall, in carrying into effect the provisions of the Merchant Shipping Acts, be subject to the control of, and obey directions given by, the Board of Trade, except as respects any matter which, under those Acts or any Order in Council made thereunder, is subject to the control of any other Government Department, and the power of removal by this section conferred on the Board of Trade shall be exerciseable by the Board as respects superintendents, deputies, clerks, and servants appointed before the commencement of this Act.

(2) In subsection (1) of section two hundred and forty-four of the principal Act the words "such of the provisions of this Act as relate to their powers and duties" shall be substituted for the words "this Act."

75.—Substitution of Ship Surveyor for Shipwright Surveyor.—(1) Any person appointed to be a surveyor of ships under section seven hnndred and twenty-four of the principal Act may be appointed either as a ship surveyor or as an engineer surveyor, or as both, and any reference in that section or in any other section of the principal Act to a shipwright surveyor shall be construed as a reference to a ship surveyor.

(2) Any surveyor of ships who before the passing of this Act has been appointed as a shipwright surveyor, or both as a shipwright surveyor and an engineer surveyor, shall be deemed to have been appointed as a ship surveyor, or both as a ship surveyor and an engineer surveyor, as the case may be.

(3) The surveys required to be made under section two hundred and seventy-two of the principal Act by a ship surveyor and by an engineer surveyor may be made by the same person if that person has been appointed both as a ship surveyor and as an engineer surveyor, and that section shall be construed accordingly.

(4) The Board of Trade may, under subsection (2) of section seven hundred and twenty-four of the principal Act, in addition to appointing a surveyor-general of ships, appoint such other principal officers in connection with the survey of ships and other matters incidental thereto, as the Board think fit.

76.—Return to be furnished by Masters of Ships as to Passengers.—(1) The master of every ship, whether a British or foreign ship, which carries any passenger to a place in the United Kingdom from any place out of the United Kingdom, or from any place in the United Kingdom to any place out of the United Kingdom, shall furnish to such person and in such manner as the Board of Trade direct a return giving the total number of any passengers so carried, distinguishing, if so directed by the Board, the total number of any class of passengers so carried, and giving, if the Board of Trade so direct, such particulars with respect to passengers as may be for the time being required by the Board.

(2) Any passenger shall furnish the master of the ship with any information required by him for the purpose of the return.

(3) If the master of a ship fails to make a return as required by this section, or makes a false return, and if any passenger refuses to give any information required by the master of the ship for the purpose of the return required by this section, or gives any false information for the purpose, the master or passenger shall be liable for each offence on summary conviction to a fine not exceeding twenty pounds.

77.—Return as to Cattlemen brought to the United Kingdom.—(1) The master of every ship which carries any cattlemen to any port in the United Kingdom from any port out of the United Kingdom shall furnish to such person and in such manner as the Secretary of State directs a return giving such particulars with respect to any cattlemen so carried as may be required for the time being by order of the Secretary of State, and every such cattleman shall furnish the master of the ship with any information required by him for the purpose of the return.

(2) If the master of a ship fails to make the return required by this section, or makes a false return, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and if any cattleman refuses to give information required by the master for the purpose of the return under this section, or gives any false infor-

mation for the purpose, he shall be liable on summary conviction to imprisonment with hard labour for a term not exceeding three months.

(3) For the purpose of this section the expression "cattleman" means any person who is engaged or employed to attend during the voyage of the ship on any cattle carried therein as cargo.

78.—DISPENSING POWERS OF THE BOARD OF TRADE.—(1) The Board of Trade may, if they think fit, and upon such conditions (if any) as they think fit to impose, exempt any ship from any specified requirement contained in, or prescribed in pursuance of, the Merchant Shipping Acts, or dispense with the observance of any such requirement in the case of any ship, if they are satisfied that that requirement has been substantially complied with in the case of that ship, or that compliance with the requirement is unnecessary in the circumstances of the case, and that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as, or more effective than, actual compliance with the requirement.

(2) The Board of Trade shall annually lay before both Houses of Parliament a special report stating the cases in which they have exercised their powers under this section during the preceding year, and the grounds upon which they have acted in each case.

79.—POWER TO APPOINT ADVISORY COMMITTEES.—(1) The Board of Trade may, if they think fit, appoint committees for the purpose of advising them when considering the making or alteration of any rules, regulations, or scales for the purpose of the Merchant Shipping Acts, consisting of such persons as they may appoint representing the interests principally affected, or having special knowledge of the subject-matter.

(2) There shall be paid to the members of any such committee, out of moneys provided by Parliament, such travelling and other allowances as the Board of Trade fix with the consent of the Treasury.

(3) Committees may be appointed under this section to advise the Board of Trade specially as regards any special rules, regulations, or scales, or generally as regards any class or classes of rules, regulations, or scales which the Board may assign to them.

80.—POWER TO REGISTER GOVERNMENT SHIPS UNDER THE MERCHANT SHIPPING ACTS.—(1) His Majesty may by Order in Council make regulations with respect to the manner in which Government ships may be registered as British ships for the purpose of the Merchant Shipping Acts, and those Acts, subject to any exceptions and modifications which may be made by Order in Council, either generally or as respects any special class of Government ships, shall apply to Government ships registered in accordance with those regulations as if they were registered in manner provided by those Acts.

(2) Nothing in this Act shall affect the powers of the Legislature of any British possession to regulate any Government ships under the control of the Government of that possession.

(3) In this section the expression "Government ships" means ships not forming part of His Majesty's Navy which belong to His Majesty, or are held by any person on behalf of or for the benefit of the Crown, and for that reason cannot be registered under the principal Act.

81.—APPLICATION OF CERTAIN SECTIONS OF PRINCIPAL ACT TO SCOTLAND.—(1) Sections four hundred and thirteen to four hundred and sixteen of the principal Act (which relate to certificates of skippers and second hands on trawlers) shall apply to fishing boats being trawlers of twenty-five tons tonnage and upwards going to sea from any port of Scotland in like manner as they apply to such fishing boats going to sea from any port of England or Ireland, except that in section four hundred and fifteen the date of the commencement of this Act shall be substituted for the dates mentioned in that section, and Part IV. of the principal Act shall be construed accordingly.

(2) The sections aforesaid as hereby applied to Scotland shall, notwithstanding anything contained in Part IV. of the principal Act, be deemed to be portions or provisions of Part IV. referred to in section three hundred and sixty-nine of the

principal Act (conferring power on the Board of Trade to make exempting or extending orders), and that section (with the substitution of the Edinburgh Gazette for the London Gazette) and Part IV. shall be construed accordingly: Provided that any Order to be published in the Edinburgh Gazette under that section shall be subject to the consent of the Secretary for Scotland.

82.—Amendment of Procedure in Scotland.—The principal Act in its application to Scotland, is amended as follows:—

(1) Subsection one of section two hundred and thirty-seven of the principal Act is hereby amended by the addition thereto of the following words: "And such person found on board without consent as aforesaid may be taken before any sheriff or justice of the peace without warrant, and such sheriff or justice may summarily hear the case, and, on proof of the offence, convict such offender as aforesaid."

(2) The provisions of section six hundred and eighty of the principal Act shall apply to Scotland.

(3) Section seven hundred and two of the principal Act shall be amended by the deletion of the words "by criminal libel at the instance of the procurator fiscal of the county before the sheriff," and every offence referred to in section seven hundred and two of the principal Act may be prosecuted by indictment.

(4) The words "or misdemeanors" in section seven hundred and three of the principal Act are hereby repealed.

83.—Amendment of section 744 of 57 & 58 Vict. c. 60, as respects Scottish Whalers.—Section seven hundred and forty-four of the principal Act (which relates to the application of that Act to certain fishing vessels) shall not apply to ships engaged in the whale fisheries off the coast of Scotland and registered at ports in Scotland, and accordingly there shall be added at the end of that section the words "and of ships engaged in the whale fisheries off the coast of Scotland and registered at ports in Scotland."

Part VI.—Supplemental.

84.—Construction of References to Merchant Shipping Acts.—(1) In this Act the expression "principal Act" means the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60), and the expression "Merchant Shipping Acts" means the Merchant Shipping Acts, 1894 to 1900, and this Act.

(2) Any reference in this Act to any provision of the Merchant Shipping Acts, 1894 to 1900, which has been amended by any subsequent Act or is amended by this Act, shall be construed as a reference to the provision as so amended.

85.—Repeal.—The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

86.—Short Title and Commencement.—(1) This Act may be cited as the Merchant Shipping Act, 1906, and shall be construed as one with the principal Act, and the Merchant Shipping Acts, 1894 to 1900, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1906.

(2) This Act shall, save as otherwise expressly provided, come into operation on the first day of June nineteen hundred and seven.

SCHEDULES.

FIRST SCHEDULE.

SCALE OF PROVISIONS (s. 25).

—	Water.	Soft Bread.	Biscuit.	Salt Beef.	Salt Pork.	Preserved Meat.	Fish.	Potatoes.	Dried or Compressed Vegetables.	Peas, Split.	Peas, Green.	Calavances or Haricot Beans.	Flour.	Rice.	Oatmeal.	Tea.	Coffee.	Sugar.	Milk, Condensed.	Butter.	Marmalade or Jam.	Syrup or Molasses.	Suet.	Pickles.	Dried Fruits.	Fine Salt.	Mustard.	Pepper.	Curry Powder.	Onions.
	qts.	lbs.	lbs.	lbs.	lbs.	lbs.	lb.	lbs.	lb.	pint.	pint.	pint.	lbs.	lb.	oz.	oz.	oz.	lbs.	lb.	lb.	lb.	lb.	oz.	pt.	oz.	oz.	oz.	oz.	oz.	oz.
Sunday .	4	1	–	½	–	¾	–	–	–	–	–	–	½	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Monday .	4	–	1	–	1	–	–	–	–	–	–	–	–	¼	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3
Tuesday .	4	1	–	1¼	–	–	–	–	–	–	–	–	½	–	4	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Wednesday	4	–	1	–	–	¾	–	–	–	–	–	–	½	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Thursday .	4	1	–	–	1	–	–	–	–	–	–	–	–	¼	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Friday .	4	–	1	–	–	¾	¾	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Saturday .	4	–	1	1¼	–	–	–	–	–	–	–	–	½	–	4	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Weekly .	28	3	4	3	2	2¼	¾	6	½	⅔	⅓	⅓	2	½	8	1¾	4	1¼	⅓	½	1	½	4	½	5	2	¼	¼	¼	3

(*Continued on p.* 149.)

Conditions and Exceptions in applying Scale.

1. The issue of provisions for which a total weekly, and no daily, amount is given in the above scale shall be reasonably distributed throughout the week.

2. The issue of soft bread under the scale shall not be required—

(*a*) in a ship of less than one thousand tons gross registered tonnage; or

(*b*) if rough weather renders the making of the bread impracticable; or

(*c*) in any ship until the date of the first agreement with the crew entered into after the first day of January nineteen hundred and eight;

but where soft bread is not issued, an equivalent amount of biscuit shall be issued instead.

3. An equal quantity of fish, up to an amount not exceeding three-quarters of a pound in any one week, may be substituted for preserved meat under the above scale.

The fish issued, whether under the scale or as a substitute, must be fresh fish, dried fish, or canned salmon or canned herrings.

4. Within the tropics, a pound and a half of preserved meat or three pounds of fresh meat may be substituted for two pounds of salt pork.

5. Fresh potatoes must be issued for at least the first eight weeks of the voyage in the case of every ship leaving a port within the home trade limits at any time between the last day of September and the first day of May, and at any other time when they can be procured at a reasonable cost.

When fresh potatoes are not so issued, an equal amount of yams, or vegetables preserved in tins, or an equivalent amount of dried or compressed potatoes or dried or compressed vegetables in the proportion of one pound to six pounds of fresh potatoes, must be issued in their place.

6. Fresh vegetables, or vegetables preserved in tins, may at any time be substituted for dried or compressed vegetables in the proportion of half a pound of fresh vegetables, or vegetables preserved in tins, to one ounce of dried or compressed vegetables.

7. A mixture of coffee and chicory containing not less than seventy-five per cent. of coffee may at any time be substituted for coffee in the proportion of five ounces of the mixture to four ounces of coffee.

8. The dried fruit issued under the above scale must be raisins, sultanas, currants, figs, or prunes.

9. The onions to be issued under the above scale must be fresh onions when in season; and, when fresh onions are not in season, an equal amount of onions or vegetables preserved in tins, or an equivalent amount of dried or compressed onions or vegetables in the proportion of one ounce to half a pound of fresh onions must be issued.

10. In port—

(*a*) soft bread shall be issued in lieu of biscuit; and

(*b*) when procurable at a reasonable cost, a pound and a half of fresh meat and half a pound of fresh vegetables shall be issued daily, and, when fresh meat and fresh vegetables are so issued, salt and preserved meat and dried or compressed vegetables need not be issued.

11. The stokehold hands are to receive sufficient oatmeal and one quart of water extra daily while under steam.

Substitutes and Equivalents—not to be used without Reasonable Cause.

Fresh meat	1½ lb.	To be considered equal.
Salt meat	1 ,,	
Preserved meat	¾ ,,	
Coffee	½ oz.	To be considered equal.
Cocoa	½ ,,	
Tea	¼ ,,	
Flour	1 lb.	To be considered equal.
Biscuit	1 ,,	
Rice	1 ,,	

Split peas	$\frac{1}{3}$ pt.	To be considered equal when issued with meat rations.
Flour	$\frac{3}{4}$ lb.	
Calavances or haricot beans	$\frac{1}{3}$ pt.	
Rice	$\frac{3}{4}$ lb.	
Marmalade	1 lb.	To be considered equal.
Jam	1 „	
Butter	$\frac{1}{2}$ „	
Mustard	...	To be considered equal.
Curry powder	...	

SECOND SCHEDULE.

ENACTMENTS REPEALED (s. 85).

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Subsection (2) of section forty-eight, paragraph (*b*) of subsection (1) of section ninety-two, section one hundred and forty-four. Sections one hundred and eighty-six to one hundred and ninety-three; sections two hundred and seven, two hundred and eight, and two hundred and thirty-five. In subsection (2) of section two hundred and forty-six the words "and appoint and remove the superintendents, deputies, clerks, and servants," and in paragraph (*a*) of that subsection the words "the number of persons to be so appointed and the amount of their salaries and wages, and" and the word "other"; and paragraph (*c*) of that subsection; and in paragraph (*d*) of that subsection the words "and all persons and offices so appointed shall be subject to the immediate control of the Board of Trade and not of the local marine board of the port"; and in subsection (3) of the same section the words "and appoint and remove all the requisite superintendents, deputies, clerks, and servants." In section two hundred and sixty-seven the words "and every foreign steamship carrying passengers between places in the United Kingdom." Paragraph (3) of section two hundred and sixty-eight. Section two hundred and ninety-one. Section two hundred and ninety-nine. Paragraph (i) of section three hundred and twenty-eight; section three hundred and fifty-three; in subsection (1) of section four hundred and thirteen the words "of England or Ireland." Section four hundred and fifty-one as from the passing of this Act. In section four hundred and sixty-two, the words "has taken on board all or any part of her cargo," and the word "and" where it next occurs, and the words "whilst at that port"; in paragraph (*a*) of subsection (2) of section five hundred and three the words "gross tonnage without deduction on account of engine room." The Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules as from the dates on which regulations, scales, conditions, and forms are prescribed by the Board of Trade in substitution for those Schedules respectively.
61 & 62 Vict. c. 14.	The Merchant Shipping (Liability of Shipowners) Act, 1898.	Section one, from "provided," to the end of the section.
61 & 62 Vict. c. 44.	The Merchant Shipping (Mercantile Marine Fund) Act, 1898.	Section four.

CHAPTER XLIX.

CENSUS OF PRODUCTION ACT, 1906 (s. 13).

[6 Edw. 7. Ch. 49.]

ARRANGEMENT OF SECTIONS.

Section.
1. Periodical census.
2. Central authority for and expenses of census.
3. Preparing and filling up of schedules.
4. Report to Parliament.
5. Inter-departmental arrangements.
6. Prohibition against publishing individual returns.
7. Returns by local and other authorities.
8. Power of Board of Trade to make rules.
9. Power to appoint advisory committees.
10. Intervals for making returns under 1 Edw. 7. c. 21. s. 130.
11. Voluntary information.
12. Penalty for offences.
13. Short title.
SCHEDULE.

CHAPTER XLIX.

Census of Production Act, 1906.

An Act to provide for taking a Census of Production. [21*st December* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—PERIODICAL CENSUS.—A census of production shall be taken in the year one thousand nine hundred and eight, and subsequently at such intervals as may be determined by an order made by the Board of Trade as soon as practicable after the taking of the first census and laid before Parliament.

2.—CENTRAL AUTHORITY FOR AND EXPENSES OF CENSUS.—(1) The Board of Trade shall superintend the taking of the census, and shall, subject to the provisions of this Act, prepare and issue such forms and instructions as they deem necessary for the taking of the census.

(2) The expenses incurred, with the approval of the Treasury, for the purpose of the census shall be paid out of money provided by Parliament.

3.—PREPARING AND FILLING UP OF SCHEDULES.—(1) Forms shall be prepared for the purpose of being filled up by the persons specified in the schedule to this Act with such of the following particulars in respect of the calendar year next preceding the date of the census, or any prescribed part of that year, as may be prescribed ; that is to say, the nature of the trade or business, and particulars relating to the output, the number of days on which work was carried on, the number of persons employed, and the power used or generated, and relating to such other matters of a like nature, except the amount of wages, as may be found to be necessary for the purpose of enabling the quantity and value of production to be ascertained : Provided that—

(*a*) If in any case it is found inconvenient to furnish such particulars as respects the calendar year, the Board of Trade may allow the particulars to be furnished as respects some other period of twelve months or prescribed part thereof ;

(*b*) In order to enable the Board of Trade to compile, as far as practicable, statistics of the net value of production without duplication, the prescribed particulars as to output may include particulars as to the aggregate estimated value of the materials used and the total amount paid to contractors for work given out to them ; and

(*c*) Particulars as to the quantity of output shall not be required except in the case of articles the quantity of which is on their importation into or

exportation from the United Kingdom required by the official import or export list to be entered, nor shall such particulars be required in greater detail than in those lists.

(2) It shall be the duty of every person specified in the schedule to this Act, upon receiving notice in writing from the Board of Trade to that effect, to fill up, and sign, and to deliver in such manner as may be prescribed, on or before the prescribed date, such date not to be less than three months after the issue of the forms, the form appropriate to his trade or business.

(3) The Board of Trade shall issue to every person required to make a return under this Act the form to be filled up by him.

4.—REPORT TO PARLIAMENT.—As soon as practicable after any census is complete the Board of Trade shall present to Parliament a report of their proceedings under this Act, and a summary of the statistics compiled from the returns under this Act, and from such other information as the Board are able to obtain; such summary shall include a separate statement of the statistics obtained in Ireland, and a similar separate statement for Scotland.

5.—INTER-DEPARTMENTAL ARRANGEMENTS.—(1) The Secretary of State may, as respects any factory, workshop, mine, or quarry, issue and collect any of the forms under this Act by arrangement with the Board of Trade, and in such case shall have the same powers and duties for the purpose as are by this Act conferred on the Board of Trade: Provided that the Board of Trade shall not transfer its powers to make rules under section eight.

(2) The Secretary of State may, if he thinks fit, by arrangement with the Board of Trade, cause any statistical returns, which under any other enactment he is authorised to obtain with respect to factories, workshops, mines, or quarries, to be collected at the same time, and, if convenient, on the same forms as returns under this Act.

6.—PROHIBITION AGAINST PUBLISHING INDIVIDUAL RETURNS.—(1) No individual return, and no part of an individual return, made, and no answer to any question put, for the purposes of this Act shall, without the previous consent in writing of the owner for the time being of the undertaking in relation to which the return or answer was made or given, be published, nor, except for the purposes of a prosecution under this Act, shall any person not engaged in connexion with the census be permitted to see any such individual return or any such part of an individual return, and every person engaged in connexion with the census shall be required to make a declaration in the prescribed form that he will not disclose or, except for the purposes of this Act, make use of the contents of any such individual return or any such part of an individual return, or any such answer as aforesaid, and any person who knowingly acts in contravention of any declaration which he has so made shall be guilty of a misdemeanour and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine, or to both imprisonment and a fine.

(2) It shall be the duty of the Board of Trade in preparing forms, instructions, or rules under this Act, to have due regard to the circumstances of various trades and industries, and in particular to the importance of avoiding the disclosure in any return of any trade secret or of trading profits, or of any other information the disclosure of which would be likely to tend to the prejudice of the person making the return.

(3) In compiling any report, summary of statistics, or other publication under this Act, the Board of Trade shall not disclose in any manner whatever any of the particulars comprised in any individual return, or arrange them in any way which would enable any person to identify any particulars so published as being particulars relating to any individual person or business.

(4) Where it is shown to the satisfaction of the Board of Trade that any trade or business is carried on by any company in whole or in part by means of any one or more subsidiary companies any aggregate of two or more returns relating to the trade or business so carried on shall for the purposes of this Act be treated as an individual return.

A company shall be treated as subsidiary to another company for the purposes of this provision if not less than three-fourths of its ordinary share capital is held by that other company.

(5) If any person, having possession of any information which to his knowledge has been disclosed in contravention of the provisions of this section, publishes or communicates to any other person any such information, he shall be guilty of a misdemeanour and shall on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine, or to both imprisonment and a fine.

7.—Returns by local and other Authorities.—For the purposes of this Act the exercise and performance by a local or other public authority of the powers and duties of that authority shall be treated as the trade or business of that authority.

8.—Power of Board of Trade to make Rules.—The Board of Trade may, after consultation with the Secretary of State, make rules under this Act—

(*a*) for prescribing, either generally or as respects any particular industry or class of industries, anything which, under this Act, is to be prescribed; and

(*b*) for exempting from the obligation to make returns under this Act, either wholly or to the prescribed extent, and either unconditionally or subject to the prescribed conditions, any persons or any prescribed class of persons; and

(*c*) generally for carrying this Act into effect.

All rules made in pursuance of this Act shall be laid before Parliament.

9.—Power to appoint Advisory Committees.—(1) The Board of Trade shall appoint one or more committees, including persons conversant with the conditions of and engaged in various trades and industries, for the purpose of advising them when considering the preparation of the forms and instructions necessary for the taking of the census and the making of any rules under this Act, and in particular such of those rules as prescribe the details of the particulars relating to output and other matters to be filled in in the several forms.

(2) There may be paid to the members of any such committee, as part of the expenses incurred for the purpose of the census, such travelling and other allowances as the Board of Trade fix, with the consent of the Treasury.

(3) Committees may be appointed under this section to advise the Board of Trade specially as regards any special forms, instructions, or rules, or generally as regards any class or classes of forms, instructions, or rules which the Board may assign to them.

(4) A member of an advisory committee shall not as such be permitted to see any individual return or any part thereof or to be made acquainted with any information contained in any answer to any question put for the purposes of this Act.

10.—Intervals for making Returns under 1 Edw. 7. c. 22. s. 130.—If the Secretary of State so directs, the intervals at which returns are to be made under section one hundred and thirty of the Factory and Workshop Act, 1901, may, notwithstanding anything in that section, be the same as the intervals at which a census is directed under this Act to be taken.

11.—Voluntary Information.—Nothing in this Act shall be construed as preventing the Board of Trade or the Secretary of State from obtaining such additional statistical or other information as any person may be willing to supply either by the insertion of additional particulars in the forms under this Act, or by the circulation of separate forms in any censal or inter-censal year: Provided that such particulars, if inserted in forms under this Act, shall be clearly distinguished from the particulars required under this Act to be filled in.

12.—Penalty for Offences.—If any person required to make a return under this Act—

(*a*) wilfully refuses or without lawful excuse neglects to fill up a form to the best of his knowledge and belief, or to sign and deliver it as required by this Act; or

(*b*) wilfully makes, signs, or delivers, or causes to be made, signed, or delivered, any false return in respect of any matter specified in the form; or

(*c*) refuses to answer, or wilfully gives a false answer to, any question necessary for obtaining the information required to be furnished under this Act,

he shall for each offence be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding ten pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence

continues and in respect of false returns and answers the offence shall be deemed to continue until a true return or answer has been made or given.

13.—SHORT TITLE.—This Act may be cited as the Census of Production Act, 1906.

SCHEDULE.

LIST OF PERSONS REQUIRED TO MAKE RETURNS (S. 3).

(A) The occupier of every factory or workshop within the meaning of the Factory and Workshop Act, 1901.

(B) The owner, agent, or manager of every mine and quarry.

(C) Every builder, that is to say, a person who, by way of trade or business, undertakes the construction or alteration of a building or any part thereof.

(D) Every person who by way of trade or business executes works of construction, alteration, or repair of railroads, tramroads, harbours, docks, canals, sewers, roads, embankments, reservoirs or wells, or of laying or altering gas or water pipes, or telegraphic, telephonic, or electric lines or works, or any other prescribed works.

(E) Every person who by way of trade or business gives out work to be done elsewhere than on his own premises.

(F) Every person carrying on any other trade or business which may be prescribed.

CHAPTER L.

NATIONAL GALLERIES OF SCOTLAND ACT, 1906 (S. 1).

[6 EDW. 7. CH. 50.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title and extent.
2. Definitions.
3. Establishment of National Galleries Trustees for Scotland.
4. Constitution of Board.
5. Transfer of existing officers.
6. Transfer of property.
7. Vesting of buildings, &c. in Commissioners of Works.
8. Transfer of annuity to Consolidated Fund.
9. Repeal.
SCHEDULE.

CHAPTER L.

NATIONAL GALLERIES OF SCOTLAND ACT, 1906.

An Act to establish a Board of Trustees to manage the National Galleries of Scotland; and for other purposes. [21*st December* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—SHORT TITLE AND EXTENT.—This Act may be cited as the National Galleries of Scotland Act, 1906, and shall apply to Scotland only.

2.—DEFINITIONS.—In this Act (unless the context otherwise requires)—

"The Board" shall mean the Board of Trustees established by this Act:

"Prescribed" shall mean prescribed by Order under the hand of the Secretary for Scotland; provided that every such Order shall be laid as soon as may be upon the table of both Houses of Parliament:

"The National Galleries of Scotland" shall, until otherwise prescribed, mean the several buildings situated in Edinburgh, and known as the Royal Institution, the National Gallery, and the National Portrait Gallery, and shall include any other buildings which may be prescribed:

"Buildings" shall include any land held with or for the purposes of a building.

3.—ESTABLISHMENT OF NATIONAL GALLERIES TRUSTEES FOR SCOTLAND.—A Board

shall be established for the purpose of managing the National Galleries of Scotland and for such other purposes connected with the promotion of the Fine Arts in Scotland as may be prescribed. The Board shall be called the Board of Trustees for the National Galleries of Scotland, and from and after the establishment of such Board, the Board of Trustees for Manufactures in Scotland (in this Act referred to as the Board of Manufactures), established by the Linen and Hempen Manufactures (Scotland) Act, 1726 (13 Geo. 1. c. 26), the Fisheries (Scotland) Act, 1726 (13 Geo. 1. c. 30), and letters patent issued in pursuance of the last-mentioned Act, and by any amending Acts, shall cease to exist, and a reference to the Board of Manufactures in any Act shall be construed as a reference to the Board, and subject to the provisions of this Act all the powers, duties, and liabilities vested in or imposed on the Board of Manufactures by any letters patent, Treasury minute, deed, or other instrument shall, until otherwise prescribed, be vested in, transfered to, and imposed on the Board, and, subject as aforesaid, the powers and duties of the Board shall be such, and shall be exercised and discharged by the Board in such manner, as may be prescribed.

4.—Constitution of Board.—(1) The Board shall be appointed by the Secretary for Scotland, and shall consist of seven members, three of whom when so appointed shall be members of elected local authorities in Scotland. The said seven members shall hold office for five years from the establishment of the Board, and may be re-appointed. At the expiration of every period of five years the Board shall be re-constituted as aforesaid. Four members shall be a quorum.

(2) The Board shall be established from and after the prescribed date not being a later date than the first day of April nineteen hundred and seven.

(3) Any vacancy caused by the death or resignation of any member shall, as soon as practicable, be filled by the Secretary for Scotland, but the person appointed to fill any such vacancy shall hold office so long only as the vacating member would have retained the same if such vacancy had not occurred.

(4) The Secretary for Scotland shall appoint one of the members of the Board chairman for such period, not being less than a year, as he may think fit, and the chairman shall have a casting as well as a deliberative vote.

(5) Subject as herein-after provided, the officers of the Board shall be appointed by the Secretary for Scotland or otherwise as may be prescribed.

(6) The Board shall comply with any instructions which may be issued by the Secretary for Scotland and shall make an annual report to him, which report shall be presented to Parliament.

5.—Transfer of existing Officers.—The secretary and all clerks and other persons in the employment of the Board of Manufactures in any capacity immediately before the establishment of the Board shall from and after such establishment be transferred and attached to, and be under the control of, the Board, and shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not passed, and while performing the same duties shall receive not less salaries or remuneration and be entitled to not less pensions (if any) than they would have received or been entitled to if this Act had not passed: Provided that it shall be lawful for the Treasury to grant a superannuation or other allowance under the Superannuation Acts, 1834 to 1887, to any person so transferred, as if he had been admitted to his office under the Board of Manufactures with a certificate from the Civil Service Commissioners or were otherwise qualified under the said Acts.

6.—Transfer of Property.—(1) It shall be lawful for the Secretary for Scotland to allocate out of the general fund of the Board of Manufactures such sums as may be prescribed—

(*a*) Towards the building and equipment of a school of art in Edinburgh;

(*b*) For the purchase, erection, and equipment of buildings, and for the purchase of any land necessary in connection therewith, to be vested in the Commissioners of Works, and to be used for the purposes of the Royal Society of Edinburgh until otherwise prescribed with the consent of the Treasury.

(2) Subject as herein-after provided all property belonging to or vested in or held in trust for or by the Board of Manufactures immediately before the establishment of the Board shall from and after such establishment pass to and vest in and be held

in trust for or by the Board, subject to all debts and liabilities affecting the same, and shall be held by the Board, and applied by them for such purposes connected with the promotion of the Fine Arts in Scotland as may be prescribed.

7.—VESTING OF BUILDINGS, &c. IN COMMISSIONERS OF WORKS.—From and after the establishment of the Board the buildings presently vested in the Board of Manufactures, known as the Royal Institution, the National Gallery, the National Portrait Gallery, and Dunblane Cathedral, shall pass to and be vested in the Commissioners of Works, in the case of the two first-mentioned buildings for such purposes as may, with the consent of the Treasury, be prescribed, and in the case of the two last-mentioned buildings for the purposes and subject to any rights for or subject to which such buildings are presently held. The said buildings shall be maintained and kept in repair by the said Commissioners, and the expense of such maintenance and repair, together with the expenditure incurred by the Board in the payment of officers and otherwise in connection with the management of the National Gallery and National Portrait Gallery, shall be paid out of moneys provided by Parliament, subject to such conditions in regard to the application of the capital moneys at the passing of this Act held by the Board of Manufactures for the maintenance and repair of any building specified in this section as may, with the consent of the Treasury, be prescribed: Provided that nothing in this Act contained and nothing done under this Act shall have the effect of imposing upon the heritors of the parish of Dunblane any obligations from which they were free at the passing of this Act.

8.—TRANSFER OF ANNUITY TO CONSOLIDATED FUND.—From and after the first day of April nineteen hundred and seven, the annuity of two thousand pounds, payable in terms of the fifteenth Article of the Treaty of Union and of the Revenue of Scotland Act, 1718 (5 Geo. 1. c. 20), which is presently payable out of moneys provided by Parliament in terms of the Public Revenue and Consolidated Fund Charges Act, 1854 (17 & 18 Vict. c. 94), shall, so long as it remains payable, be charged on, and payable to the Board out of, the Consolidated Fund or the growing produce thereof, and shall be applied by them as may be prescribed.

9.—REPEAL.—From and after the establishment of the Board, the enactments mentioned in the schedule to this Act shall be repealed to the extent mentioned in the third column thereof.

SCHEDULE.

ENACTMENTS REPEALED (S. 9).

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 Geo. I. c. 20.	Revenue of Scotland Act, 1718 . .	Section 14.
13 Geo. I. c. 26.	Linen and Hempen Manufactures (Scotland) Act, 1726.	Whole Act.
13 Geo. I. c. 30.	Fisheries (Scotland) Act, 1726 . .	Whole Act.
48 Geo. III. c. 110.	Herring Fishery (Scotland) Act, 1808 .	Section 4.
10 & 11 Vict. c. 91.	Manufactures Improvement Fund (Scotland) Act, 1847.	Whole Act.
13 & 14 Vict. c. 86.	An Act for the erection on the Earthen Mound in the City of Edinburgh of Buildings for a National Gallery, and other purposes connected therewith and with the promotion of the Fine Arts in Scotland.	Whole Act.
17 & 18 Vict. c. 94.	Public Revenue and Consolidated Fund Charges Act, 1854.	Schedule (B.), second column, the words "ditto for improving Fisheries and manufactures." Schedule (B.), third column, the words "5 Geo. I. c. 20."

CHAPTER LI.

EXPIRING LAWS CONTINUANCE ACT, 1906 (S. 2).

An Act to continue various Expiring Laws. [21*st December* 1906.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and six:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—CONTINUANCE OF ACTS IN SCHEDULE.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and seven, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2.—SHORT TITLE.—This Act may be cited as the Expiring Laws Continuance Act, 1906.

SCHEDULE.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 3 & 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	——
(2.) 3 & 4 Vict. c. 91.	The Textile Manufactures (Ireland) Act, 1840.	The whole Act . .	5 & 6 Vict. c. 68. 30 & 31 Vict. c. 60.
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act . .	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 & 22 Vict. c. 50.	——
(5.) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act . .	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(6.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 23 & 24 Vict. c. 19.	The Labourers (Ireland) Act, 1860.	The whole Act.	——
(8.) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act . .	45 & 46 Vict.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(9.) 27 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	——
(10.) 28 & 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act . .	45 & 46 Vict. c. 49.
(11.) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act . .	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(12.) 29 & 30 Vict. c. 52.	The Prosecutions Expenses Act, 1866.	The whole Act.	——
(13.) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(14.) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act . .	34 & 35 Vict. c. 61.
(15.) 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
(16.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act . .	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(17.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——
(18.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872.	The whole Act . .	45 & 46 Vict. c. 50. (Municipal Elections).
(19.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act . .	46 & 47 Vict. c. 51. s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(20.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act . .	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37. s. 69.
(21.) 41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878.	The whole Act . .	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(22.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act . .	46 & 47 Vict. c.
(23.) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act.	——
(24.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act . .	58 & 59 Vict. c. 40.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(25.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act . .	56 & 57 Vict. c. 73.
(26.) 49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(27.) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	——
(28.) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(29.) 57 & 58 Vict. c. 12.	The Indian Railways Act, 1894.	The whole Act.	——
(30.) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(31.) 59 Vict. c. 1.	The Local Government (Elections Act, 1896.	The whole Act.	——
(32.) 59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	As to the powers of the Light Railway Commissioners.	——
(33.) 61 & 62 Vict. c. 49.	The Vaccination Act, 1898.	The whole Act.	——
(34.) 3 Edw. 7. c. 36.	The Motor Car Act, 1903.	The whole Act.	——

CHAPTER LII.

LAND TAX COMMISSIONERS ACT, 1906 (S. 4).

An Act to appoint additional Commissioners for executing the Acts granting a Land Tax and other Rates and Taxes, and to remove the qualification by estate required in the case of all such Commissioners, whether appointed under this or any previous Act. [21*st December* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—ADDITIONAL LAND TAX COMMISSIONERS.—The persons named in the schedule signed by and deposited with the Clerk of the House of Commons shall (being where so required duly qualified by inhabitancy) be Commissioners within the respective counties, shires, and places in the said schedule respectively mentioned for putting into execution the Acts for granting an aid to His Majesty by a land tax in Great Britain and the Acts for continuing or granting to His Majesty rates and taxes, as fully and effectually as if they had been designated with the other Commissioners in the Land Tax Commissioners Act, 1827 (7 & 8 Geo. 4. c. 75); and on the passing of this Act the said schedule shall be printed in the London Gazette, which shall be

sufficient evidence of such schedule for all purposes whatsoever, and thereafter the Treasury shall cause the names of the Commissioners to be otherwise published or made known, and notice to be given to each Commissioner of all meetings of the Commissioners of the county, shire, or place for which he acts in such manner as the Treasury shall prescribe.

2.—REMOVAL OF PROPERTY QUALIFICATION.—The qualification by estate, either landed or personal, required in the case of Commissioners for putting into execution such Acts as aforesaid, whether appointed under this or any previous Act, is hereby abolished, and the enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that nothing in this repeal shall be construed as imposing a qualification by inhabitancy in any case where no such qualification would have been required if this Act had not been passed

3.—POWER OF JUSTICES TO ACT AS COMMISSIONERS.—For removing doubts it is hereby declared that so much of section one of the Land Tax Commissioners Act, 1827 (7 & 8 Geo. 4. c. 75), as constitutes justices of the peace for any county, shire, riding, division, or district to be Land Tax Commissioners within their respective counties, shires, ridings, divisions, and districts extends to justices of the peace for a borough as if in that section the expression "district" included a borough.

4.—SHORT TITLE.—This Act may be cited as the Land Tax Commissioners Act, 1906.

SCHEDULE.

ENACTMENTS REPEALED (S. 2).

Session and Chapter.	Short Title.	Extent of Repeal.
38 Geo. 3. c. 5.	The Land Tax Act, 1797.	Section forty-nine. Section fifty. In section eighty-six, the words "capable of acting according to the qualifications required by this Act." Section ninety-one. Section ninety-two, from "attorney or solicitor" to "one thousand seven hundred and ninety-seven or any." Section ninety-three. Section ninety-four. Section one hundred and thirty-seven.
38 Geo. 3. c. 48.	The Land Tax Commissioners Act, 1798.	The preamble. Section one, from "except the cities, liberties, and places" to "the amount of one thousand pounds nor" and the words "in either case," and from "nor except in administering" to "contrary hereof in anywise notwithstanding," and the words "or not having taken an oath or affirmation as herein-before directed." Section three.

CHAPTER LIII.

NOTICE OF ACCIDENTS ACT, 1906 (S. 7).

[6 EDW. 7. CH. 53.]

ARRANGEMENT OF SECTIONS.

Section.

1. Annual returns of accidents in mines and quarries.
2. Notices of accidents in mines and quarries.
3. Application to railway sidings in connection with mines and quarries.
4. Notices of accidents in factories and workshops.
5. Power to extend provisions as to notice of accidents to dangerous occurrences.
6. Notice of accidents under 57 & 58 Vict. c. 28.
7. Repeal, construction, and short title.
SCHEDULE.

CHAPTER LIII.

Notice of Accidents Act, 1906.

An Act to amend the Law relating to Returns and Notifications of Accidents in Mines, Quarries, Factories, and Workshops, and under the Notice of Accidents Act, 1894.
[21*st December* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—Annual Returns of Accidents in Mines and Quarries.—Section thirty-three of the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58), and section one of the Metalliferous Mines Regulation Act, 1875 (38 & 39 Vict. c. 39) (both in its application to metalliferous mines and in its application to quarries), shall be read as if the matters to be specified in the returns to be given under those sections respectively included a statement containing such particulars as the Secretary of State may prescribe of all accidents which occurred in or about the mine or quarry during the year to which the return relates, and disabled for more than seven days any person employed in or about the mine or quarry from working at his ordinary work.

2.—Notices of Accidents in Mines and Quarries.—(1) Section thirty-five of the Coal Mines Regulation Act, 1887, shall be read as if the following subsection were substituted for subsection (1) of that section :—

"(*a*) Where, in or about any mine to which this Act applies whether above or below ground, any accident occurs which either—

"(i) causes loss of life to any person employed in or about the mine ; or

"(ii) causes any fracture of the head or of any limb, or any dislocation of a limb, or any other serious personal injury to any person employed in or about the mine ; or

"(iii) is caused by any explosion of gas or coal dust, or any explosive, or by electricity, or by overwinding, or by any other such special cause as the Secretary of State specifies by order, and causes any personal injury whatever to any person employed in or about the mine,

the owner, agent, or manager of the mine shall forthwith send notice in writing of the accident, and of any loss of life or personal injury caused thereby, to the inspector of the district, in such form and accompanied by such particulars as the Secretary of State prescribes."

(2) The same subsection shall be substituted for so much of section eleven of the Metalliferous Mines Act, 1872 (35 & 36 Vict. c. 77), as is repealed by this Act, both as respects the application of that section to metalliferous mines and as respects its application to quarries.

3.—Application to Railway Sidings in connection with Mines and Quarries.—Where any line or siding, not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900 (63 & 64 Vict. c. 27), is used in connection with a mine or quarry, the provisions of the Coal Mines Regulation Acts, 1887 to 1896, and of the Metalliferous Mines Regulation Acts, 1872 and 1875, as respectively amended by this Act with respect to returns and notification of accidents shall have effect, so far as regards accidents to persons employed by or on behalf of the owner of the mine or quarry, as if the line or siding were part of the mine or quarry.

4.—Notices of Accidents in Factories and Workshops.—(1) Where any accident occurs in a factory or workshop which is either—

(*a*) an accident causing loss of life to a person employed in the factory or workshop ; or

(*b*) an accident due to any machinery moved by mechanical power, or to molten metal, hot liquid, explosion, escape of gas or steam, or to electricity, and so disabling any person employed in the factory or workshop as to cause him

to be absent throughout at least one whole day from his ordinary work; or

(*c*) an accident due to any other special cause which the Secretary of State may specify by order, and causing such disablement as aforesaid; or

(*d*) an accident disabling for more than seven days a person employed in the factory or workshop from working at his ordinary work,

written notice of the accident, in such form and accompanied by such particulars as the Secretary of State prescribes, shall forthwith be sent to the inspector of the district and also in the case of the accidents mentioned in paragraphs (*a*) and (*b*) of this subsection, and (if the order of the Secretary of State specifying the special cause so requires) of accidents mentioned in paragraph (*c*), to the certifying surgeon of the district.

(2) If any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector as soon as the death comes to the knowledge of the occupier of the factory or workshop.

(3) If any notice with respect to an accident in a factory or workshop required to be sent by this section is not sent as so required, the occupier of the factory or workshop shall be liable to a fine not exceeding ten pounds.

(4) If any accident to which this section applies occurs to a person employed in a factory or workshop the occupier of which is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

(5) The foregoing provisions of this section shall be substituted for section nineteen of the Factory and Workshop Act, 1901 (1 Edw. 7. c. 22).

5.—POWER TO EXTEND PROVISIONS AS TO NOTICE OF ACCIDENTS TO DANGEROUS OCCURRENCES.—(1) If the Secretary of State considers that, by reason of the risk of serious injury to persons employed, it is expedient that notice should be given under this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in a mine or quarry, or in a factory or workshop, including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accidents is a factory or workshop, or is included in the word "factory" or "workshop," or is part of a factory or workshop, the Secretary of State may by order extend the provisions of this Act requiring notice of accidents to be given to an inspector to any such class of occurrences, whether personal injury or disablement is caused or not, and, where any such order is made, the provisions of this Act shall have effect as extended by the order.

(2) The Secretary of State may by any such order allow the required notice of any occurrence to which the order relates, instead of being sent forthwith, to be sent within the time limited by the order.

6.—NOTICE OF ACCIDENTS UNDER 57 & 58 VICT. C. 28.—Section one of the Notice of Accidents Act, 1894, shall be read as if the words "cause him to be absent throughout at least one whole day from his ordinary work" were substituted for the words "prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work" in subsection (1) of that section.

7.—REPEAL, CONSTRUCTION, AND SHORT TITLE.—(1) The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) This Act may be cited as the Notice of Accidents Act, 1906, and shall come into operation on the first day of January nineteen hundred and seven, but the Secretary of State may appoint a later date (not being later than the first day of January one thousand nine hundred and eight) for any special provision of the Act to come into operation, and, if a later date is so appointed, that special provision shall not come into operation until that later date.

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SCHEDULE.

ENACTMENTS REPEALED (S. 7).

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 77.	The Metalliferous Mines Regulation Act, 1872.	Section eleven from the beginning to "injured respectively."
50 & 51 Vict. c. 58.	The Coal Mines Regulation Act, 1887.	Section thirty-five, subsection one.
57 & 58 Vict. c. 28.	The Notice of Accidents Act, 1894.	Section one, subsection three.
63 & 64 Vict. c. 27.	The Railway Employment (Prevention of Accidents) Act, 1900.	Section thirteen, subsection three.
1 Edw. 7. c. 22.	The Factory and Workshop Act, 1901.	Section nineteen.

CHAPTER LIV.

An Act to improve the position of Tenants of certain Houses, Shops, or other Buildings in Ireland. [21*st December* 1906.]

CHAPTER LV.

An Act to provide for the appointment of a Public Trustee and to amend the Law relating to the administration of Trusts. [21*st December* 1906.]

CHAPTER LVI.

AGRICULTURAL HOLDINGS ACT, 1906 (S. 10).

[6 EDW. 7. CH. 56.]

ARRANGEMENT OF SECTIONS.

Section.
1. Amendment of 63 & 64 Vict. c. 50.
2. Compensation for damage by game.
3. Freedom of cropping and disposal of produce.
4. Compensation for unreasonable disturbance.
5. Retrospective effect of 58 & 59 Vict. c. 27. s. 4, and 60 & 61 Vict. c. 22.
6. Consent of landlord not required for certain improvements.
7. Record of holding.
8. Repeal.
9. Commencement of Act.
10. Short title.
SCHEDULE.

CHAPTER LVI.

AGRICULTURAL HOLDINGS ACT, 1906.

An Act to amend the Law relating to Agricultural Holdings. [21*st December* 1906.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—AMENDMENT OF 63 & 64 VICT. C. 50.—(1)—Subsection (1) of section one of the Agricultural Holdings Act, 1900, shall be repealed and for it substituted :—

Where a tenant has made on his holding any improvement comprised in the First Schedule to this Act, he shall, subject as in the Agricultural Holdings (England) Act, 1883 (in this Act referred to as "the principal Act") and in this Act mentioned, be entitled at the determination of a tenancy on quitting his holding to obtain from the landlord, as compensation under the said Acts for the improvement, such sum as fairly represents the value of the improvement to an incoming tenant.

(2) All questions which, under the Agricultural Holdings (England) Acts, 1883 to 1900, or the Agricultural Holdings (Scotland) Acts, 1883 to 1900, or this Act, or under the contract of tenancy, are referred to arbitration shall, whether the matter to which the arbitration relates arose before or after the passing of this Act, be determined, notwithstanding any agreement to the contrary, by a single arbitrator, in accordance with the provisions set out in Part I. of the Second Schedule to the Agricultural Holdings Act, 1900, and any sum awarded by such arbitrator to be paid shall be recoverable in manner provided by the Agricultural Holdings (England) Acts, 1883 to 1900, or the Agricultural Holdings (Scotland) Acts, 1883 to 1900, for the recovery of compensation.

(3) The following rule shall be substituted for rule (10) in Part I. of the Second Schedule to the Agricultural Holdings Act, 1900 :—

The arbitrator shall on the application of either party specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not sooner than one month or later than two months after the delivery of the award for the payment of the money awarded as compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board of Agriculture and Fisheries.

2.—COMPENSATION FOR DAMAGE BY GAME.—(1) Where the tenant has sustained damage to his crops from game the right to kill and take which is vested neither in him nor in anyone claiming under him other than the landlord, and which the tenant has not permission in writing to kill, he shall be entitled to compensation from his landlord for such damage if it exceeds in amount the sum of one shilling per acre of the area over which the damage extends, and any agreement to the contrary, or in limitation of such compensation, shall be void.

(2) The amount of compensation payable under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration, but no compensation shall be recoverable under this section unless notice in writing is given to the landlord as soon as may be after the damage was first observed by the tenant and a reasonable opportunity is given to the landlord to inspect the damage—

(*a*) in the case of damage to a growing crop, before the crop is begun to be reaped, raised, or consumed ; and

(*b*) in the case of damage to a crop reaped or raised before it is begun to be removed from the land—

and unless notice in writing of the claim, together with the particulars thereof, is given to the landlord within one month after the expiration of the calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor, in respect of which the claim is made.

(3) Where the landlord proves that, under a contract of tenancy made before the commencement of this Act, any compensation for damage by game is payable by him, or that in fixing the rent to be paid under such contract allowance in respect of such damage to an agreed amount was expressly made, the arbitrator shall make such deduction from the compensation which would otherwise be payable under this section as may appear just.

(4) Where the right to kill and take the game is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by such other person against all claims for compensation under this section.

For the purposes of this section the expression "game" means deer, pheasants, partridges, grouse, and black game.

3.—FREEDOM OF CROPPING AND DISPOSAL OF PRODUCE.—(1) Notwithstanding any custom of the country or the provisions of any contract of tenancy or agreement

respecting the method of cropping of arable lands, or the disposal of crops, a tenant shall have full right to practise any system of cropping of the arable land on his holding and to dispose of the produce of his holding without incurring any penalty, forfeiture, or liability: Provided that he shall previously have made, or, as soon as may be, shall make, suitable and adequate provision to protect the holding from injury or deterioration, which provision shall in the case of disposal of the produce of the holding consist in the return to the holding of the full equivalent manurial value to the holding of all crops sold off or removed from the holding in contravention of the custom, contract, or agreement:

Provided that this subsection shall not apply—

(*a*) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or

(*b*) in any other case, as respects the year before the expiration of the contract of tenancy.

(2) If the tenant exercises his rights under this section in such a manner as to injure or deteriorate the holding, or to be likely to injure or deteriorate the holding, the landlord shall without prejudice to any other remedy which may be open to him be entitled to recover damages in respect of such injury or deterioration at any time, and, should the case so require, to obtain an injunction, or in Scotland an interdict, restraining the exercise of the rights under this section in that manner, and the amount of such damages may, in default of agreement, be determined by arbitration.

(3) A tenant shall not be entitled to any compensation in respect of improvements comprised in Part III. of the First Schedule to the Agricultural Holdings Act, 1900, which have been made for the purpose of making such provision to protect the holding from injury or deterioration as is required by this section.

(4) In this section the expression "arable land" shall not include land in grass, which by the terms of any contract of tenancy is to be retained in the same condition throughout the tenancy.

4.—Compensation for Unreasonable Disturbance.—Where the landlord, without good and sufficient cause, and for reasons inconsistent with good estate management, terminates a tenancy by notice to quit, or, after having been requested in writing, at least one year before the expiration of a tenancy, to grant a renewal thereof, refuses to do so, or where it has been proved that an increase of rent is demanded from the tenant, and that such increase was demanded by reason of an increase in the value of the holding due to improvements which have been executed by or at the cost of the tenant, and for which he has not, either directly or indirectly, received an equivalent from the landlord, and such demand results in the tenant quitting the holding, the tenant upon quitting the holding shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements, and notwithstanding any agreement to the contrary, be entitled to compensation for the loss or expense directly attributable to his quitting the holding which the tenant may unavoidably incur upon or in connection with the sale or removal of his household goods, or his implements of husbandry, produce, or farm stock, on or used in connection with the holding.

Provided that no compensation under this section shall be payable—

(*a*) unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid; or

(*b*) unless the tenant has within two months after he has received notice to quit or a refusal to grant a renewal of the tenancy, as the case may be, given to the landlord notice in writing of his intention to claim compensation under this section; or

(*c*) where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit, or in the case of a lease for years before the refusal to grant a renewal; or

(*d*) if the claim for compensation is not made within three months after the time at which the tenant quits the holding.

In the event of any difference arising as to any matter under this section the difference shall, in default of agreement, be settled by arbitration.

5.—RETROSPECTIVE EFFECT OF 58 & 59 VICT. C. 27. S. 4, AND 60 & 61 VICT. C. 22.—Section four of the Market Gardeners' Compensation Act, 1895, and section four of the Market Gardeners' Compensation (Scotland) Act, 1897, shall apply to improvements executed before the dates of the commencement of those Acts respectively in like manner as the sections apply to improvements executed after those dates.

6.—CONSENT OF LANDLORD NOT REQUIRED FOR CERTAIN IMPROVEMENTS.—The following improvements shall be included in Part III. of the First Schedule to the Agricultural Holdings Act, 1900:—Repairs to buildings, being buildings necessary for the proper cultivation or working of the holding, other than repairs which the tenant is himself under an obligation to execute:

Provided that the tenant, before beginning to execute any such repairs, shall give to the landlord notice in writing of his intention, together with particulars of such repairs, and shall not execute the repairs unless the landlord fails to execute them within a reasonable time after receiving such notice.

7.—RECORD OF HOLDING.—If at the commencement of any tenancy entered into after the commencement of this Act either party so requires, a record of the condition of the buildings, fences, gates, roads, drains, ditches, and cultivation of the holding shall be made within three months after the commencement of the tenancy by a person to be appointed in default of agreement by the Board of Agriculture and Fisheries, and in default of agreement the cost of making such record shall be borne by the landlord and tenant in equal proportions.

8.—REPEAL.—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

9.—COMMENCEMENT OF ACT.—This Act shall come into operation on the first day of January one thousand nine hundred and nine.

10.—SHORT TITLE.—This Act may be cited as the Agricultural Holdings Act, 1906, and shall be read and construed and may be cited with the Agricultural Holdings (England) Acts, 1883 to 1900, and the Agricultural Holdings (Scotland) Acts, 1883 to 1900.

SCHEDULE.

ENACTMENTS REPEALED (S. 8).

Session and Chapter.	Short Title.	Extent of Repeal.
40 & 41 Vict. c. 28.	The Game Laws Amendment (Scotland) Act, 1877.	The whole Act, except sections one, ten, and eleven, and the definition of sheriff in section three.
63 & 64 Vict. c. 50.	The Agricultural Holdings Act, 1900.	Subsection (1) of section one. In section two, the words "by arbitration in accordance with the provisions (if any) in that behalf in any agreement between landlord and tenant, and in default of and subject to any such provisions"; the words "or arbitrators"; the words "An arbitration shall, unless the parties otherwise agree, be before a single arbitrator"; the words "or umpire"; and the words "subject to any provision contained in any agreement between landlord and tenant." Second Schedule, Part II.

CHAPTER LVII.

An Act to make provision for Meals for Children attending Public Elementary Schools in England and Wales.

[21*st December* 1906.]

CHAPTER LVIII.

WORKMEN'S COMPENSATION ACT, 1906 (s. 17).

[6 Edw. 7. Ch. 58.]

ARRANGEMENT OF SECTIONS.

Section.
1. Liability of employers to workmen for injuries.
2. Time for taking proceedings.
3. Contracting out.
4. Sub-contracting.
5. Provision as to cases of bankruptcy of employer.
6. Remedies both against employer and stranger.
7. Application of Act to seamen.
8. Application of Act to industrial diseases.
9. Application to workmen in employment of Crown.
10. Appointment and remuneration of medical referees and arbitrators.
11. Detention of ships.
12. Returns as to compensation.
13. Definitions.
14. Special provisions as to Scotland.
15. Provisions as to existing contracts and schemes.
16. Commencement and repeal.
17. Short title.
SCHEDULES.

CHAPTER LVIII.

Workmen's Compensation Act, 1906.

An Act to consolidate and amend the Law with respect to Compensation to Workmen for Injuries suffered in the course of their Employment. [21*st December* 1906.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—Liability of Employers to Workmen for Injuries.—(1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as herein-after mentioned, be liable to pay compensation in accordance with the First Schedule to this Act.

(2) Provided that—

(*a*) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least one week from earning full wages at the work at which he was employed :

(*b*) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Act or take proceedings independently of this Act ; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid :

(*c*) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed.

(3) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the person

injured is a workman to whom this Act applies), or as to the amount or duration of compensation under this Act, the question, if not settled by agreement, shall, subject to the provisions of the First Schedule to this Act, be settled by arbitration, in accordance with the Second Schedule to this Act.

(4) If, within the time herein-after in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court in which the action is tried shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this subsection, when the court assesses the compensation it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this Act.

(5) Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines, factories, or workshops, or the application of any such fine.

2.—TIME FOR TAKING PROCEEDINGS.—(1) Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death:

Provided always that—

(*a*) the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect, or inaccuracy, or that such want, defect, or inaccuracy was occasioned by mistake, absence from the United Kingdom, or other reasonable cause; and

(*b*) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the United Kingdom, or other reasonable cause.

(2) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened, and shall be served on the employer, or, if there is more than one employer, upon one of such employers.

(3) The notice may be served by delivering the same at, or sending it by post in a registered letter addressed to, the residence or place of business of the person on whom it is to be served.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice may also be served by delivering the same at, or by sending it by post in a registered letter addressed to, the employer at the office, or, if there be more than one office, any one of the offices of such body.

3.—CONTRACTING OUT.—(1) If the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workmen, certifies that any scheme of compensation, benefit, or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favourable to the workmen and their dependants than the corresponding scales contained in this Act, and that, where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act, and that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme, the employer may, whilst the certificate is in force, contract with any of his workmen that the pro-

visions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable only in accordance with the scheme, but, save as aforesaid, this Act shall apply notwithstanding any contract to the contrary made after the commencement of this Act.

(2) The Registrar may give a certificate to expire at the end of a limited period of not less than five years, and may from time to time renew with or without modifications such a certificate to expire at the end of the period for which it is renewed.

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

(4) If complaint is made to the Registrar of Friendly Societies by or on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in subsection (1) of this section, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the Registrar shall examine into the complaint, and, if satisfied that good cause exist for such complaint, shall, unless the cause of complaint is removed, revoke the certificate.

(5) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall, after due provision has been made to discharge the liabilities already accrued, be distributed as may be arranged between the employer and workmen, or as may be determined by the Registrar of Friendly Societies in the event of a difference of opinion.

(6) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Registrar of Friendly Societies.

(7) The Chief Registrar of Friendly Societies shall include in his annual report the particulars of the proceedings of the Registrar under this Act.

(8) The Chief Registrar of Friendly Societies may make regulations for the purpose of carrying this section into effect.

4.—SUB-CONTRACTING.—(1) Where any person (in this section referred to as the principal), in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed:

Provided that, where the contract relates to threshing, ploughing, or other agricultural work, and the contractor provides and uses machinery driven by mechanical power for the purpose of such work, he and he alone shall be liable under this Act to pay compensation to any workman employed by him on such work.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section, and all questions as to the right to and amount of any such indemnity shall in default of agreement be settled by arbitration under this Act.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

5.—PROVISION AS TO CASES OF BANKRUPTCY OF EMPLOYER.—(1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then, in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or if the

employer is a company in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in the enactments relating to bankruptcy and the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the bankruptcy or liquidation.

(3) There shall be included among the debts which under section one of the Preferential Payments in Bankruptcy Act, 1888 (51 & 52 Vict. c. 62), and section four of the Preferential Payments in Bankruptcy (Ireland) Act, 1889 (52 & 53 Vict. c. 60), are in the distribution of the property of a bankrupt and in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount, not exceeding in any individual case one hundred pounds, due in respect of any compensation the liability wherefor accrued before the date of the receiving order or the date of the commencement of the winding up, and those Acts and the Preferential Payments in Bankruptcy Amendment Act, 1897 (60 & 61 Vict. c. 19), shall have effect accordingly. Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under the First Schedule to this Act.

(4) In the case of the winding up of a company within the meaning of the Stannaries Act, 1887 (50 & 51 Vict. c. 43), such an amount as aforesaid, if the compensation is payable to a miner or the dependants of a miner, shall have the like priority as is conferred on wages of miners by section nine of that Act, and that section shall have effect accordingly.

(5) The provisions of this section with respect to preferences and priorities shall not apply where the bankrupt or the company being wound up has entered into such a contract with insurers as aforesaid.

(6) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

6.—REMEDIES BOTH AGAINST EMPLOYER AND STRANGER.—Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(1) The workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act for such compensation, but shall not be entitled to recover both damages and compensation; and

(2) If the workman has recovered compensation under this Act, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under the section of this Act relating to sub-contracting, shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration under this Act.

7.—APPLICATION OF ACT TO SEAMEN.—(1) This Act shall apply to masters, seamen, and apprentices to the sea service and apprentices in the sea-fishing service, provided that such persons are workmen within the meaning of this Act, and are members of the crew of any ship registered in the United Kingdom, or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in the United Kingdom, subject to the following modifications:—

(*a*) The notice of accident and the claim for compensation may, except where the person injured is the master, be served on the master of the ship as if he

were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident:

(*b*) In the case of the death of the master, seaman, or apprentice, the claim for compensation shall be made within six months after news of the death has been received by the claimant:

(*c*) Where an injured master, seaman, or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in the British possession, and by any British consular officer in the foreign country, and if so taken shall be transmitted by the person by whom they are taken to the Board of Trade, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided by sections six hundred and ninety-one and six hundred and ninety-five of the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60), and those sections shall apply accordingly:

(*d*) In the case of the death of a master, seaman, or apprentice, leaving no dependants, no compensation shall be payable, if the owner of the ship is under the Merchant Shipping Act, 1894, liable to pay the expenses of burial:

(*e*) The weekly payment shall not be payable in respect of the period during which the owner of the ship is, under the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or otherwise, liable to defray the expenses of maintenance of the injured master, seaman, or apprentice:

(*f*) Any sum payable by way of compensation by the owner of a ship under this Act shall be paid in full notwithstanding anything in section five hundred and three of the Merchant Shipping Act, 1894 (which relates to the limitation of a shipowner's liability in certain cases of loss of life, injury, or damage), but the limitation on the owner's liability imposed by that section shall apply to the amount recoverable by way of indemnity under the section of this Act relating to remedies both against employer and stranger as if the indemnity were damages for loss of life or personal injury:

(*g*) Subsections (2) and (3) of section one hundred and seventy-four of the Merchant Shipping Act, 1894 (which relates to the recovery of wages of seamen lost with their ship), shall apply as respects proceedings for the recovery of compensation by dependants of masters, seamen, and apprentices lost with their ship as they apply with respect to proceedings for the recovery of wages due to seamen and apprentices; and proceedings for the recovery of compensation shall in such a case be maintainable if the claim is made within eighteen months of the date at which the ship is deemed to have been lost with all hands:

(2) This Act shall not apply to such members of the crew of a fishing vessel as are remunerated by shares in the profits or the gross earnings of the working of such vessel.

(3) This section shall extend to pilots to whom Part X. of the Merchant Shipping Act, 1894, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew.

8.—Application of Act to Industrial Diseases.—(1) Where—

(i) the certifying surgeon appointed under the Factory and Workshop Act, 1901 (1 Edw. 7. c. 22), for the district in which a workman is employed certifies that the workman is suffering from a disease mentioned in the Third Schedule to this Act and is thereby disabled from earning full wages at the work at which he was employed; or

(ii) a workman is, in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of having contracted any such disease; or

(iii) the death of a workman is caused by any such disease;

and the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of the disablement or suspension, whether under one or more employers, he or his dependants

shall be entitled to compensation under this Act as if the disease or such suspension as aforesaid were a personal injury by accident arising out of and in the course of that employment, subject to the following modifications:—

(*a*) The disablement or suspension shall be treated as the happening of the accident;

(*b*) If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation shall not be payable;

(*c*) The compensation shall be recoverable from the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due:

Provided that—

(i) the workman or his dependants if so required shall furnish that employer with such information as to the names and addresses of all the other employers who employed him in the employment during the said twelve months as he or they may possess, and, if such information is not furnished, or is not sufficient to enable that employer to take proceedings under the next following proviso, that employer upon proving that the disease was not contracted whilst the workman was in his employment shall not be liable to pay compensation; and

(ii) if that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to the arbitration, and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable; and

(iii) if the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twelve months employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, may be determined in the arbitration under this Act for settling the amount of the compensation;

(*d*) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable;

(*e*) The employer to whom notice of the death, disablement, or suspension is to be given shall be the employer who last employed the workman during the said twelve months in the employment to the nature of which the disease was due, and the notice may be given notwithstanding that the workman has voluntarily left his employment.

(*f*) If an employer or a workman is aggrieved by the action of a certifying or other surgeon in giving or refusing to give a certificate of disablement or in suspending or refusing to suspend a workman for the purposes of this section, the matter shall in accordance with regulations made by the Secretary of State be referred to a medical referee, whose decision shall be final.

(2) If the workman at or immediately before the date of the disablement or suspension was employed in any process mentioned in the second column of the Third Schedule to this Act, and the disease contracted is the disease in the first column of that Schedule set opposite the description of the process, the disease, except where the certifying surgeon certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment, unless the employer proves the contrary.

(3) The Secretary of State may make rules regulating the duties and fees of certifying and other surgeons (including dentists) under this section.

(4) For the purposes of this section the date of disablement shall be such date as the certifying surgeon certifies as the date on which the disablement commenced, or, if he is unable to certify such a date, the date on which the certificate is given: Provided that—

(*a*) Where the medical referee allows an appeal against a refusal by a certifying surgeon to give a certificate of disablement, the date of disablement shall be such date as the medical referee may determine :

(*b*) Where a workman dies without having obtained a certificate of disablement, or is at the time of death not in receipt of a weekly payment on account of disablement, it shall be the date of death.

(5) In such cases, and subject to such conditions as the Secretary of State may direct, a medical practitioner appointed by the Secretary of State for the purpose shall have the powers and duties of a certifying surgeon under this section, and this section shall be construed accordingly.

(6) The Secretary of State may make orders for extending the provisions of this section to other diseases and other processes, and to injuries due to the nature of any employment specified in the order not being injuries by accident, either without modification or subject to such modifications as may be contained in the order.

(7) Where, after inquiry held on the application of any employers or workmen engaged in any industry to which this section applies, it appears that a mutual trade insurance company or society for insuring against the risks under this section has been established for the industry, and that a majority of the employers engaged in that industry are insured against such risks in the company or society and that the company or society consents, the Secretary of State may, by Provisional Order, require all employers in that industry to insure in the company or society upon such terms and under such conditions and subject to such exceptions as may be set forth in the Order. Where such a company or society has been established, but is confined to employers in any particular locality or of any particular class, the Secretary of State may for the purposes of this provision treat the industry, as carried on by employers in that locality or of that class, as a separate industry.

(8) A Provisional Order made under this section shall be of no force whatever unless and until it is confirmed by Parliament, and if, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against the Order, the Bill may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills, and any Act confirming any Provisional Order under this section may be repealed, altered, or amended by a Provisional Order made and confirmed in like manner.

(9) Any expenses incurred by the Secretary of State in respect of any such Order, Provisional Order, or confirming Bill shall be defrayed out of moneys provided by Parliament.

(10) Nothing in this section shall affect the rights of a workman to recover compensation in respect of a disease to which this section does not apply, if the disease is a personal injury by accident within the meaning of this Act.

9.—Application to Workmen in Employment of Crown.—(1) This Act shall not apply to persons in the naval or military service of the Crown, but otherwise shall apply to workmen employed by or under the Crown to whom this Act would apply if the employer were a private person:

Provided that in the case of a person employed in the private service of the Crown, the head of that department of the Royal Household in which he was employed at the time of the accident shall be deemed to be his employer.

(2) The Treasury may, by warrant laid before Parliament, modify for the purposes of this Act their warrant made under section one of the Superannuation Act, 1887 (50 & 51 Vict. c. 67), and notwithstanding anything in that Act, or any such warrant, may frame schemes with a view to their being certified by the Registrar of Friendly Societies under this Act.

10.—Appointment and Remuneration of Medical Referees and Arbitrators.—(1) The Secretary of State may appoint such legally qualified medical practitioners to be medical referees for the purposes of this Act as he may, with the sanction of the Treasury, determine, and the remuneration of, and other expenses incurred by, medical referees under this Act shall, subject to regulations made by the Treasury, be paid out of moneys provided by Parliament.

Where a medical referee has been employed as a medical practitioner in connection

with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as medical referee in that case.

(2) The remuneration of an arbitrator appointed by a judge of county courts under the Second Schedule to this Act shall be paid out of moneys provided by Parliament in accordance with regulations made by the Treasury.

11.—DETENTION OF SHIPS.—(1) If it is alleged that the owners of any ship are liable as such owners to pay compensation under this Act, and at any time that ship is found in any port or river of England or Ireland, or within three miles of the coast thereof, a judge of any court of record in England or Ireland may, upon its being shown to him by any person applying in accordance with the rules of the court that the owners are probably liable as such to pay such compensation, and that none of the owners reside in the United Kingdom, issue an order directed to any officer of customs or other officer named by the judge requiring him to detain the ship until such time as the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation and to pay such compensation and costs as may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) In any legal proceeding to recover such compensation, the person giving security shall be made defendant, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding.

(3) Section six hundred and ninety-two of the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60), shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and, if the owner of a ship is a corporation, it shall for the purposes of this section be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected.

12.—RETURNS AS TO COMPENSATION.—(1) Every employer in any industry to which the Secretary of State may direct that this section shall apply shall, on or before such day in every year as the Secretary of State may direct, send to the Secretary of State a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Act during the previous year, and the amount of such compensation, together with such other particulars as to the compensation as the Secretary of State may direct, and in default of complying with this section shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(2) Any regulations made by the Secretary of State containing such directions as aforesaid shall be laid before both Houses of Parliament as soon as may be after they are made.

13.—DEFINITIONS.—In this Act, unless the context otherwise requires,—

"Employer" includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman whilst he is working for that other person;

"Workman" does not include any person employed otherwise than by way of manual labour whose remuneration exceeds two hundred and fifty pounds a year, or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, or a member of a police force, or an out worker, or a member of the employer's family dwelling in his house, but, save as aforesaid, means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing;

Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his

dependants or other person to whom or for whose benefit compensation is payable;

"Dependants" means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively;

"Member of a family" means wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister;

"Ship," "vessel," "seaman," and "port" have the same meanings as in the Merchant Shipping Act, 1894;

"Manager," in relation to a ship, means the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner;

"Police force" means a police force to which the Police Act, 1890 (53 & 54 Vict. c. 45), or the Police (Scotland) Act, 1890 (53 & 54 Vict. c. 67), applies, the City of London Police Force, the Royal Irish Constabulary, and the Dublin Metropolitan Police Force;

"Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale, in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

The exercise and performance of the powers and duties of a local or other public authority shall, for the purposes of this Act, be treated as the trade or business of the authority;

"County court," "judge of the county court," "registrar of the county court," "plaintiff," and "rules of court," as respects Scotland, mean respectively sheriff court, sheriff, sheriff clerk, pursuer, and act of sederunt.

14.—Special Provisions as to Scotland.—In Scotland, where a workman raises an action against his employer independently of this Act in respect of any injury caused by accident arising out of and in the course of the employment, the action, if raised in the sheriff court and concluding for damages under the Employers Liability Act, 1880 (43 & 44 Vict. c. 42), or alternatively at common law or under the Employers' Liability Act, 1880, shall, notwithstanding anything contained in that Act, not be removed under that Act or otherwise to the Court of Session, nor shall it be appealed to that court otherwise than by appeal on a question of law; and for the purposes of such appeal the provisions of the Second Schedule to this Act in regard to an appeal from the decision of the sheriff on any question of law determined by him as arbitrator under this Act shall apply.

15.—Provisions as to existing Contracts and Schemes.—(1) Any contract (other than a contract substituting the provisions of a scheme certified under the Workmen's Compensation Act, 1897 (60 & 61 Vict. c. 37), for the provisions of that Act) existing at the commencement of this Act, whereby a workman relinquishes any right to compensation from the employer for personal injury arising out of and in the course of his employment, shall not, for the purposes of this Act, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this Act.

(2) Every scheme under the Workmen's Compensation Act, 1897, in force at the commencement of this Act shall, if re-certified by the Registrar of Friendly Societies, have effect as if it were a scheme under this Act.

(3) The Registrar shall re-certify any such scheme if it is proved to his satisfaction that the scheme conforms, or has been so modified as to conform, with the provisions of this Act as to schemes.

(4) If any such scheme has not been so re-certified before the expiration of six months from the commencement of this Act, the certificate thereof shall be revoked.

16.—COMMENCEMENT AND REPEAL.—(1) This Act shall come into operation on the first day of July nineteen hundred and seven, but, except so far as it relates to references to medical referees, and proceedings consequential thereon, shall not apply in any case where the accident happened before the commencement of this Act.

(2) The Workmen's Compensation Acts, 1897 (60 & 61 Vict. c. 37) and 1900 (63 & 64 Vict. c. 22), are hereby repealed, but shall continue to apply to cases where the accident happened before the commencement of this Act, except to the extent to which this Act applies to those cases.

17.—SHORT TITLE.—This Act may be cited as the Workmen's Compensation Act, 1906.

SCHEDULES

FIRST SCHEDULE.

SCALE AND CONDITIONS OF COMPENSATION (S. 1).

(1) The amount of compensation under this Act shall be—

(*a*) where death results from the injury—

(i) if the workman leaves any dependants wholly dependent upon his earnings, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of one hundred and fifty pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds, provided that the amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof, shall be deducted from such sum, and, if the period of the workman's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer;

(ii) if the workman does not leave any such dependants, but leaves any dependants in part dependent upon his earnings, such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or, in default of agreement, may be determined, on arbitration under this Act, to be reasonable and proportionate to the injury to the said dependants; and

(iii) if he leaves no dependants, the reasonable expenses of his medical attendance and burial, not exceeding ten pounds;

(*b*) where total or partial incapacity for work results from the injury, a weekly payment during the incapacity not exceeding fifty per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not then for any less period during which he has been in the employment of the same employer, such weekly payment not to exceed one pound:

Provided that—

(*a*) if the incapacity lasts less than two weeks no compensation shall be payable in respect of the first week; and

(*b*) as respects the weekly payments during total incapacity of a workman who is under twenty-one years of age at the date of the injury, and whose average weekly earnings are less than twenty shillings, one hundred per cent. shall be substituted for fifty per cent. of his average weekly earnings, but the weekly payment shall in no case exceed ten shillings.

(2) For the purposes of the provisions of this schedule relating to "earnings" and "average weekly earnings" of a workman, the following rules shall be observed:—

(*a*) average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated. Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer, or the casual nature of the employment, or the terms of the employment, it is impractic-

able at the date of the accident to compute the rate of remuneration, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;

(*b*) where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident;

(*c*) employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause;

(*d*) where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings.

(3) In fixing the amount of the weekly payment, regard shall be had to any payment, allowance, or benefit which the workman may receive from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but shall bear such relation to the amount of that difference as under the circumstances of the case may appear proper.

(4) Where a workman has given notice of an accident, he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and, if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceeding under this Act in relation to compensation, shall be suspended until such examination has taken place.

(5) The payment in the case of death shall, unless otherwise ordered as hereinafter provided, be paid into the county court, and any sum so paid into court shall, subject to rules of court and the provisions of this schedule, be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the registrar of the court shall be a sufficient discharge in respect of the amount paid in:

Provided that, if so agreed, the payment in case of death shall, if the workman leaves no dependants, be made to his legal personal representative, or, if he has no such representative, to the person to whom the expenses of medical attendance and burial are due.

(6) Rules of court may provide for the transfer of money paid into court under this Act from one court to another, whether or not the court from which it is to be transferred is in the same part of the United Kingdom as the court to which it is to be transferred.

(7) Where a weekly payment is payable under this Act to a person under any legal disability, a county court may, on application being made in accordance with rules of court, order that the weekly payment be paid during the disability into court, and the provisions of this schedule with respect to sums required by this schedule to be paid into court shall apply to sums paid into court in pursuance of any such order.

(8) Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, shall be settled by the county court, and the amount payable to each dependant shall be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, by the county court. Where there are both total and partial dependants nothing in this schedule shall be construed as pre-

venting the compensation being allotted partly to the total and partly to the partial dependants.

(9) Where, on application being made in accordance with rules of court, it appears to a county court that, on account of neglect of children on the part of a widow, or on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order of the court or an award as to the apportionment amongst the several dependants of any sum paid as compensation, or as to the manner in which any sum payable to any such dependant is to be invested, applied, or otherwise dealt with, ought to be varied, the court may make such order for the variation of the former order or the award, as in the circumstances of the case the court may think just.

(10) Any sum which under this schedule is ordered to be invested may be invested in whole or in part in the Post Office Savings Bank by the registrar of the county court in his name as registrar.

(11) Any sum to be so invested may be invested in the purchase of an annuity from the National Debt Commissioners through the Post Office Savings Bank, or be accepted by the Postmaster-General as a deposit in the name of the registrar as such, and the provisions of any statute or regulations respecting the limits of deposits in savings banks, and the declaration to be made by a depositor, shall not apply to such sums.

(12) No part of any money invested in the name of the registrar of any county court in the Post Office Savings Bank under this Act shall be paid out, except upon authority addressed to the Postmaster-General by the Treasury or, subject to regulations of the Treasury, by the judge or registrar of the county court.

(13) Any person deriving any benefit from any moneys invested in a post office savings bank under the provisions of this Act may, nevertheless, open an account in a post office savings bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank.

(14) Any workman receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

(15) A workman shall not be required to submit himself for examination by a medical practitioner under paragraph (4) or paragraph (14) of this schedule otherwise than in accordance with regulations made by the Secretary of State, or at more frequent intervals than may be prescribed by those regulations.

Where a workman has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the registrar of a county court, on application being made to the court by both parties, may, on payment by the applicants of such fee not exceeding one pound as may be prescribed, refer the matter to a medical referee.

The medical referee to whom the matter is so referred shall, in accordance with regulations made by the Secretary of State, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified.

Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this paragraph shall, subject to any regulations made by the Secretary of State, apply as if the question were a question as to the condition of the workman.

If a workman, on being required so to do, refuses to submit himself for examination by a medical referee to whom the matter has been so referred as aforesaid, or in

any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place.

Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this paragraph and the forms to be used for those purposes and, subject to the consent of the Treasury, as to the fee to be paid under this paragraph.

(16) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum above provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Act:

Provided that where the workman was at the date of the accident under twenty-one years of age and the review takes place more than twelve months after the accident, the amount of the weekly payment may be increased to any amount not exceeding fifty per cent. of the weekly sum which the workman would probably have been earning at the date of the review if he had remained uninjured, but not in any case exceeding one pound.

(17) Where any weekly payment has been continued for not less than six months, the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such an amount as, where the incapacity is permanent, would, if invested in the purchase of an immediate life annuity from the National Debt Commissioners through the Post Office Savings Bank, purchase an annuity for the workman equal to seventy-five per cent. of the annual value of the weekly payment, and as in any other case may be settled by arbitration under this Act, and such lump sum may be ordered by the committee or arbitrator or judge of the county court to be invested or otherwise applied for the benefit of the person entitled thereto: Provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum.

(18) If a workman receiving a weekly payment ceases to reside in the United Kingdom, he shall thereupon cease to be entitled to receive any weekly payment, unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature. If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by rules of court, his identity and the continuance of the incapacity in respect of which the weekly payment is payable.

(19) A weekly payment, or a sum paid by way of redemption thereof, shall not be capable of being assigned, charged, or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

(20) Where under this schedule a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

(21) Where a scheme certified under this Act provides for payment of compensation by a friendly society, the provisions of the proviso to the first subsection of section eight, section sixteen, and section forty-one of the Friendly Societies Act, 1896 (59 & 60 Vict. c. 25), shall not apply to such society in respect of such scheme.

(22) In the application of this Act to Ireland the provisions of the County Officers and Courts (Ireland) Act, 1877 (41 & 42 Vict. c. 56), with respect to money deposited in the Post Office Savings Bank under that Act shall apply to money invested in the Post Office Savings Bank under this Act.

SECOND SCHEDULE.

Arbitration, &c. (ss. 1-14).

(1) For the purpose of settling any matter which under this Act is to be settled by arbitration, if any committee, representative of an employer and his workmen, exists with power to settle matters under this Act in the case of the employer and workmen, the matter shall, unless either party objects by notice in writing sent to

the other party before the committee meet to consider the matter, be settled by the arbitration of such committee, or be referred by them in their discretion to arbitration as herein-after provided.

(2) If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within six months from the date of the claim, the matter shall be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the judge of the county court, according to the procedure prescribed by rules of court.

(3) In England the matter, instead of being settled by the judge of the county court, may, if the Lord Chancellor so authorises, be settled according to the like procedure, by a single arbitrator appointed by that judge, and the arbitrator so appointed shall, for the purposes of this Act, have all the powers of that judge.

(4) The Arbitration Act, 1889 (52 & 53 Vict. c. 49), shall not apply to any arbitration under this Act; but a committee or an arbitrator may, if they or he think fit, submit any question of law for the decision of the judge of the county court, and the decision of the judge on any question of law, either on such submission, or in any case where he himself settles the matter under this Act, or where he gives any decision or makes any order under this Act, shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal; and the judge of the county court, or the arbitrator appointed by him, shall, for the purpose of proceedings under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were an action in the county court.

(5) A judge of county courts may, if he thinks fit, summon a medical referee to sit with him as an assessor.

(6) Rules of court may make provision for the appearance in any arbitration under this Act of any party by some other person.

(7) The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator, or judge of the county court, subject as respects such judge and an arbitrator appointed by him to rules of court. The costs, whether before a committee or an arbitrator or in the county court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules and such taxation may be reviewed by the judge of the county court.

(8) In the case of the death, or refusal or inability to act, of an arbitrator, the judge of the county court may, on the application of any party, appoint a new arbitrator.

(9) Where the amount of compensation under this Act has been ascertained, or any weekly payment varied, or any other matter decided under this Act, either by a committee or by an arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by rules of court, by the committee or arbitrator, or by any party interested, to the registrar of the county court who shall, subject to such rules, on being satisfied as to its genuineness, record such memorandum in a special register without fee, and thereupon the memorandum shall for all purposes be enforceable as a county court judgment.

Provided that—

(*a*) no such memorandum shall be recorded before seven days after the despatch by the registrar of notice to the parties interested; and

(*b*) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer, in accordance with rules of court, proves that the workman has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the judge of the county court, under the circumstances, may think just; and

(*c*) the judge of the county court may at any time rectify the register; and

(*d*) where it appears to the registrar of the county court, on any information which he considers sufficient, that an agreement as to the redemption of a weekly payment by a lump sum, or an agreement as to the amount of compensation

payable to a person under any legal disability, or to dependants, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence, or other improper means, he may refuse to record the memorandum of the agreement sent to him for registration, and refer the matter to the judge who shall, in accordance with rules of court, make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just; and

(*e*) the judge may, within six months after a memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or of an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, has been recorded in the register, order that the record be removed from the register on proof to his satisfaction that the agreement was obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just.

(10) An agreement as to the redemption of a weekly payment by a lump sum if not registered in accordance with this Act shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the weekly payment is payable from liability to continue to make that weekly payment, and an agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not so registered, shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the compensation is payable from liability to pay compensation, unless, in either case, he proves that the failure to register was not due to any neglect or default on his part.

(11) Where any matter under this Act is to be done in a county court, or by, to, or before the judge or registrar of a county court, then, unless the contrary intention appear, the same shall, subject to rules of court, be done in, or by, to, or before the judge or registrar of, the county court of the district in which all the parties concerned reside, or if they reside in different districts the district prescribed by rules of court, without prejudice to any transfer in manner provided by rules of court.

(12) The duty of a judge of county courts under this Act, or in England of an arbitrator appointed by him, shall, subject to rules of court, be part of the duties of the county court, and the officers of the court shall act accordingly, and rules of court may be made both for any purpose for which this Act authorises rules of court to be made, and also generally for carrying into effect this Act so far as it affects the county court, or an arbitrator appointed by the judge of the county court, and proceedings in the county court or before any such arbitrator, and such rules may, in England, be made by the five judges of county courts appointed for the making of rules under section one hundred and sixty-four of the County Courts Act, 1888, and when allowed by the Lord Chancellor, as provided by that section, shall have full effect without any further consent.

(13) No court fee, except such as may be prescribed under paragraph (15) of the First Schedule to this Act, shall be payable by any party in respect of any proceedings by or against a workman under this Act in the court prior to the award.

(14) Any sum awarded as compensation shall, unless paid into court under this Act, be paid on the receipt of the person to whom it is payable under any agreement or award, and the solicitor or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Act, or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the judge of the county court, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

(15) Any committee, arbitrator, or judge may, subject to regulations made by the

Secretary of State and the Treasury, submit to a medical referee for report any matter which seems material to any question arising in the arbitration.

(16) The Secretary of State may, by order, either unconditionally or subject to such conditions or modifications as he may think fit, confer on any committee representative of an employer and his workmen, as respects any matter in which the committee act as arbitrators, or which is settled by agreement submitted to and approved by the committee, all or any of the powers conferred by this Act exclusively on county courts or judges of county courts, and may by the order provide how and to whom the compensation money is to be paid in cases where, but for the order, the money would be required to be paid into court, and the order may exclude from the operation of provisoes (*d*) and (*e*) of paragraph (9) of this Schedule agreements submitted to and approved by the committee, and may contain such incidental, consequential, or supplemental provisions as may appear to the Secretary of State to be necessary or proper for the purposes of the order.

(17) In the application of this Schedule to Scotland—

(*a*) "County court judgment" as used in paragraph (9) of this Schedule means a recorded decree arbitral:

(*b*) Any application to the sheriff as arbitrator shall be heard, tried, and determined summarily in the manner provided by section fifty-two of the Sheriff Courts (Scotland) Act, 1876 (39 & 40 Vict. c. 70), save only that parties may be represented by any person authorised in writing to appear for them and subject to the declaration that it shall be competent to either party within the time and in accordance with the conditions prescribed by act of sederunt to require the sheriff to state a case on any question of law determined by him, and his decision thereon in such case may be submitted to either division of the Court of Session, who may hear and determine the same and remit to the sheriff with instruction as to the judgment to be pronounced, and an appeal shall lie from either of such divisions to the House of Lords:

(*c*) Paragraphs (3), (4), and (8) shall not apply.

(18) In the application of this schedule to Ireland the expression "judge of the county court" shall include the recorder of any city or town, and an appeal shall lie from the Court of Appeal to the House of Lords.

THIRD SCHEDULE (s. 8).

Description of Disease.	Description of Process.
Anthrax	Handling of wool, hair, bristles, hides, and skins.
Lead poisoning or its sequelæ . .	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelæ .	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelæ .	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelæ .	Any process involving the use of arsenic or its preparations or compounds.
Ankylostomiasis	Mining.

Where regulations or special rules made under any Act of Parliament for the protection of persons employed in any industry against the risk of contracting lead poisoning require some or all of the persons employed in certain processes specified in the regulations or special rules to be periodically examined by a certifying or other surgeon, then, in the application of this schedule to that industry, the expression "process" shall, unless the Secretary of State otherwise directs, include only the processes so specified.

APPENDIX.

ACT OF SEDERUNT TO AMEND THE ACT OF SEDERUNT, DATED 3RD DECEMBER 1896, ANENT THE ADMISSION OF LAW AGENTS, AND THE ACT OF SEDERUNT OF SAME DATE ANENT THE FEES PAYABLE TO THE REGISTRAR OF LAW AGENTS IN SCOTLAND. [*Edinburgh, 26th May* 1906.]

THE Lords of Council and Session Enact and Declare:—

1. Any candidate for admission as a Law Agent who holds a Certificate entitling him to exemption from the First Examination in General Knowledge shall present the same to the Examiners of Law Agents before he commences his apprenticeship under Indenture; and any candidate who holds a Certificate entitling him to exemption from the Second Examination in General Knowledge shall present the same to the Examiners before he enters for the Examination in Law. On a Certificate being presented in either case there shall be marked thereon the date of presentation, and the Examiners shall certify that such presentation has been made, and that the candidate is exempt from the examination to which the Certificate applies. Each Certificate of Exemption issued by the Examiners shall be signed by their Clerk, and in respect of it a fee of 10s. 6d. shall be paid, and shall be applied towards defraying the expenses connected with the examination of candidates.

2. In place of the Register of Law Agents hitherto kept, a separate Book shall be kept by the Registrar for the entry of Indentures and Assignations thereof intimated to him in terms of Section 5 (2) of the Law Agents (Scotland) Act, 1873. For entering therein the necessary particulars of an Indenture, including any Assignation thereof, and granting a Certificate of intimation, the Registrar shall be entitled to a fee of 5s.

3. A separate Register shall be kept for the enrolment of Law Agents; and for each enrolment therein, and for granting the statutory certificate of such enrolment, the Registrar shall be entitled to a fee of 5s.

4. This Act of Sederunt shall come into operation on the passing hereof, and the provisions of the two Acts of Sederunt, dated 3rd December 1896, so far as inconsistent herewith, are hereby repealed.

And the Lords Appoint this Act of Sederunt to be inserted in the Books of Sederunt, and to be printed and published in the usual form.

(Signed) DUNEDIN, *I.P.D.*

STATUTORY RULES AND ORDERS, 1906.

No. $\frac{968}{S.\ 38}$.

DOG, SCOTLAND.

ACT OF SEDERUNT TO REGULATE THE PROCEDURE IN APPLICATIONS UNDER THE DOGS ACT, 1906, TO A SHERIFF FOR CONSENT TO THE GRANTING OF A CERTIFICATE OF EXEMPTION. [*Edinburgh, 22nd December* 1906.]

THE Lords of Council and Session, in virtue of the powers conferred by the Dogs Act, 1906, and in pursuance of the said Act, do Enact and Ordain as follows:—

(1.) An application to a Sheriff for consent to the granting of a certificate of exemption, under section 5 of the Dogs Act, 1906, shall be made by sending to the

Sheriff-Clerk at the Sheriff Court House of the county or division of the county in which the dog or dogs are kept, a declaration in the form prepared by the Commissioners of Inland Revenue under section 22 of the Customs and Inland Revenue Act, 1878, duly filled up and signed by the owner of the dog or dogs.

(2.) The Sheriff-Clerk shall keep a Register in the form, as nearly as may be, of Schedule I. hereto, in which he shall enter each application received by him.

(3.) The Sheriff-Clerk shall from time to time, but in no case later than two weeks after the receipt of any application, prepare lists of such applications in the forms A, B, and C, set out in Schedule II. hereto. Such lists shall contain a statement of the time (which shall not be less than fourteen days) within which objection may be made to any application included therein, and of the manner in which such objection shall be made.

(4.) Every such list shall be signed and dated by the Sheriff-Clerk, and shall from such date, until the expiration of the period within which objections may be made, be kept exhibited at the Court House in some conspicuous place to which the public have access. A copy of every such list shall immediately be sent by the Sheriff-Clerk to the Supervisors of Inland Revenue named in the declarations, and to the Chief Constable of the county. The copy sent to a Supervisor of Inland Revenue need only contain entries referable to declarations in which such Supervisor is named.

(5.) On the expiry of the period within which objections may be lodged, the Sheriff-Clerk shall lay the applications before the Sheriff, who shall forthwith dispose of those applications to which no objections have been lodged. In the case of applications to which objections have been lodged, the Sheriff shall by Interlocutor fix a time (being not less than eight days thereafter) and place for hearing such objections. The said Interlocutor, which shall be in the form set out in Schedule III. hereto, may contain an order dispensing with the appearance of the applicant at such hearing.

(6.) The Sheriff-Clerk shall forthwith intimate said hearing by sending a certified copy of such Interlocutor to the applicant, and to the person or persons objecting, in registered letters directed to them at the addresses contained in the application and notice of objection respectively, and the copy of such Interlocutor sent to the applicant shall be accompanied by a copy of the notice of objection.

(7.) The appearance of the applicant shall be dispensed with except in cases where the case is opposed and the Sheriff considers his appearance to be necessary for the proper consideration of the application. A person objecting must be present or represented at the hearing, otherwise his objections shall not be considered.

(8.) The copy of such Interlocutor sent by the Sheriff-Clerk to the applicant or to the person objecting shall be a sufficient warrant to cite witnesses and havers to the said hearing.

(9.) The declaration shall, for the purpose of considering the application, be *prima facie* evidence of the statements therein contained.

(10.) At such hearing the evidence shall be given upon oath, but shall not be recorded; and the Sheriff shall have power to award such expenses as he may consider reasonable to the applicant or to the person objecting.

(11.) The determination of the Sheriff on each application shall be recorded in the Register and initialled by him.

(12.) The Sheriff-Clerk shall thereupon forward to the Supervisor of Inland Revenue named therein the declaration, with the said determination written or printed thereon and signed by him.

(13.) "Sheriff" shall include "Sheriff-Substitute," and "Sheriff-Clerk" shall include "Sheriff-Clerk Depute."

And the Lords Appoint this Act to be inserted in the Books of Sederunt, and to be printed and published in common form. DUNEDIN, *I.P.D.*

Schedule I.

REGISTER OF APPLICATIONS under "The Dogs Act, 1906," and relative Act of Sederunt kept by the Sheriff-Clerk at

Date when application received.	Name of applicant.	Whether shepherd, farmer, or occupier of a sheep farm.	Address of applicant.	Place where dogs are kept, if not at preceding address.	If occupier of a sheep farm, number of sheep owned by him and fed on common and unenclosed land.	No. of dogs for which exemption claimed.	Where objections have been lodged.			Determination on application.		
							Name of objector.	Address of objector.	Day appointed for hearing.	Date.	Determination.	Sheriff's initials.

Schedule II.

FORM A.

List of applications by *Shepherds* claiming exemption from licence duty for dogs owned by them and kept by them solely for use in the exercise of their calling and occupation of Shepherd.

Name of applicant.	Address, stating full particulars.	Places where the dogs are kept, if not at preceding address.	Number of dogs for which exemption is claimed.

Any person desiring to object to the consent of the Sheriff being given to any of the above applications, must, on or before the day of 190 , send by post addressed to the Sheriff-Clerk of , Sheriff Court House, , a notice of objection in writing signed by him, giving his full name and address, and stating shortly the grounds of his objection.

(Signed by the Sheriff-Clerk.)

FORM B.

List of applications by *Farmers* claiming exemption from licence duty for dogs (not exceeding two) owned by them and kept by them solely for use in tending sheep or cattle on their farms.

Name of applicant.	Full address.	Places where the dogs are kept, if not at preceding address.	Number of dogs for which exemption is claimed.

Any person desiring to object to the consent of the Sheriff being given to any of the above applications, must, on or before the day of 190 , send by post addressed to the Sheriff-Clerk of , Sheriff Court House, , a notice of objection in writing signed by him, giving his full name and address, and stating shortly the grounds of his objection.

(Signed by the Sheriff-Clerk.)

FORM C.

List of applications by *Occupiers of Sheep Farms* claiming exemption for dogs (exceeding two) owned by them and required to be kept by them for the purpose of tending sheep, and kept by them solely for such purpose.

Name of applicant.	Full address.	Places where dogs are kept, if not at preceding address.	Number of sheep owned by applicant and fed on common and unenclosed land.	Number of dogs for which exemption is claimed.

Any person desiring to object to the consent of the Sheriff being given to any of the above applications, must, on or before the day of 190 , send by post addressed to the Sheriff-Clerk of , Sheriff Court House, , a notice of objection in writing signed by him, giving his full name and address, and stating shortly the grounds of his objection.

(Signed by the Sheriff-Clerk.)

Schedule III.

Form of Interlocutor appointing a Diet for hearing on an Application and Objections.

(Place and Date.) The Sheriff (or Sheriff-Substitute) appoints the day of 190 , at o'clock , within the Sheriff Court House , as the time and place for hearing parties on the application, under section 5 of "The Dogs Act, 1906," made by of , and objection thereto lodged by of . Grants diligence at the instance of both parties to cite witnesses and havers (and dispenses with the appearance of the said applicant at the said hearing).

TABLE A (REVISED), 1906.

COMPANY.

COMPANIES ACTS, 1862 TO 1900.

Order of the Board of Trade, dated July 30, 1906, *substituting a new Table A for that contained in the First Schedule to the Companies Act*, 1862.

WHEREAS by the 71st section of the Companies Act, 1862, the Board of Trade are empowered to make such alterations in the Tables and Forms contained in the First Schedule to the said Act as they deem requisite.

And whereas it is deemed desirable to substitute the Table hereafter set forth for the Table A contained in the said First Schedule.

Now therefore the Board of Trade do hereby order and direct that the Table hereafter set forth shall from and after the 1st day of October, 1906, be substituted for the said Table A contained in the said First Schedule.

By order of the Board of Trade,

G. S. Barnes,
Comptroller of the Companies Department
of the Board of Trade.

30th July, 1906.

TABLE A.

(Revised.)

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Preliminary.

1. In these regulations, unless the context otherwise requires, expressions defined in the Companies Acts, 1862 to 1900, or any statutory modification thereof in force at the date at which these regulations become binding on the company, shall have the meanings so defined; and words importing the singular number only shall include the plural number, and *vice versâ*, and words importing the masculine gender shall include the feminine, and words importing persons shall include corporations.

Business.

2. The directors shall have regard to the restrictions on the commencement of business imposed by section 6 of the Companies Act, 1900, if, and so far as, such restrictions shall be binding upon the company.

Shares.

3. Subject to the provisions, if any, in that behalf of the memorandum of association of the company, and without prejudice to any special rights previously conferred on the holders of existing shares in the company, any share in the company may be issued with such preferred, deferred, or other special rights, or such restrictions, whether in regard to dividend, voting, return of capital or otherwise, as the company may from time to time by special resolution determine.

4. If at any time the capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of an extraordinary resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate general meeting the provisions of these regulations relating to general meetings shall *mutatis mutandis* apply, but so that the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class.

5. No share shall be offered to the public for subscription except upon the terms that the amount payable on application shall be at least 5 per cent. of the nominal amount of the share; and the directors shall, as regards any allotment of shares, duly comply with such of the provisions of the Companies Act, 1900, sections 4 and 7, as may be applicable thereto.

6. Every person whose name is entered as a member in the register of members shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon, provided that in respect of a share or shares held jointly by several persons the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all.

7. If a share certificate is defaced, lost, or destroyed, it may be renewed on payment of such fee, if any, not exceeding one shilling, and on such terms, if any, as to evidence and indemnity as the directors think fit.

8. No part of the funds of the company shall be employed in the purchase of, or in loans upon the security of, the company's shares.

Lien.

9. The company shall have a lien on every share (not being a fully-paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of such share, and the company shall also have a lien on all shares (other than fully-paid shares) standing registered in the name of a single person, for all moneys presently payable by him or his estate to the company; but the directors may at any time declare any share to be wholly or in part exempt from the provisions of this clause. The company's lien, if any, on a share shall extend to all dividends payable thereon.

10. The company may sell, in such manner as the directors think fit, any shares on which the company has a lien, but no sale shall be made unless some sum in respect of which the lien exists is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of the amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or the person entitled by reason of his death or bankruptcy to the share.

11. The proceeds of the sale shall be applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale. The purchaser shall be registered as the holder of the shares, and he shall not be bound to see to the application of the purchase money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

Calls on Shares.

12. The directors may from time to time make calls upon the members in respect of any moneys unpaid on their shares, provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than one month from the last call; and each member shall (subject to receiving at least fourteen days' notice specifying the time or times of payment) pay to the company at the time or times so specified the amount called on his shares.

13. The joint holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

14. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest upon the sum at the rate of £5 per cent. per annum from the day appointed for the payment thereof to the time of the actual payment, but the directors shall be at liberty to waive payment of such interest wholly or in part.

15. The provisions of these regulations as to payment of interest shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes

payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had become payable by virtue of a call duly made and notified.

16. The directors may make arrangements on the issue of shares for a difference between the holders in the amount of calls to be paid and in the times of payment.

17. The directors may, if they think fit, receive from any member willing to advance the same all or any part of the moneys uncalled and unpaid upon any shares held by him; and upon all or any of the moneys so advanced may (until the same would, but for such advance, become presently payable) pay interest at such rate (not exceeding, without the sanction of the company in general meeting, six per cent.) as may be agreed upon between the member paying the sum in advance and the directors.

Transfer and Transmission of Shares.

18. The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of the share until the name of the transferee is entered in the register of members in respect thereof.

19. Shares in the company shall be transferred in the following form, or in any usual or common form which the directors shall approve:—

I, A.B. of in consideration of the sum of £ paid to me by C.D. of (hereinafter called "the said transferee") do hereby transfer to the said transferee the share [or shares] numbered in the undertaking called the Company Limited, to hold unto the said transferee, his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution thereof: and I, the said transferee, do hereby agree to take the said share [or shares] subject to the conditions aforesaid. As witness our hands the day of

Witness to the signatures of, etc.

20. The directors may decline to register any transfer of shares, not being fully-paid shares, to a person of whom they do not approve, and may also decline to register any transfer of shares on which the company has a lien. The directors may also suspend the registration of transfers during the fourteen days immediately preceding the ordinary general meeting in each year. The directors may decline to recognise any instrument of transfer unless (a) a fee not exceeding two shillings and sixpence is paid to the company in respect thereof, and (b) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the directors may reasonably require to show the right of the transferor to make the transfer.

21. The executors or administrators of a deceased sole holder of a share shall be the only persons recognised by the company as having any title to the share. In the case of a share registered in the names of two or more holders, the survivors or survivor, or the executors or administrators of the deceased survivor, shall be the only persons recognised by the company as having any title to the share.

22. Any person becoming entitled to a share in consequence of the death or bankruptcy of a member shall, upon such evidence being produced as may from time to time be required by the directors, have the right, either to be registered as a member in respect of the share, or, instead of being registered himself, to make such transfer of the share as the deceased or bankrupt person could have made; but the directors shall, in either case, have the same right to decline or suspend registration as they would have had in the case of a transfer of the share by the deceased or bankrupt person before the death or bankruptcy.

23. A person becoming entitled to a share by reason of the death or bankruptcy of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a member in respect of the share, be entitled in respect of it to exercise any right conferred by membership in relation to meetings of the company.

Forfeiture of Shares.

24. If a member fails to pay any call or instalment of a call on the day appointed for payment thereof, the directors may, at any time thereafter during such time as any part of such call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued.

25. The notice shall name a further day (not earlier than the expiration of fourteen days from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that in the event of non-payment at or before the time appointed the shares in respect of which the call was made will be liable to be forfeited.

26. If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect.

27. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit.

28. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the company all moneys which, at the date of forfeiture, were presently payable by him to the company in respect of the shares, but his liability shall cease if and when the company shall have received payment in full of the nominal amount of the shares.

29. A statutory declaration in writing that the declarant is a director of the company, and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share, and such declaration, and the receipt of the company for the consideration, if any, given for the share on the sale or disposition thereof, shall constitute a good title to such share, and the person to whom the share is sold or disposed of shall be registered as the holder of the share and shall not be bound to see to the application of the purchase money, if any, nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale, or disposal of the share.

30. The provisions of these regulations as to forfeiture shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had been payable by virtue of a call duly made and notified.

Conversion of Shares into Stock.

31. The directors may, with the sanction of the company previously given in general meeting, convert any paid-up shares into stock, and may with the like sanction reconvert any stock into paid-up shares of any denomination.

32. The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same regulations as, and subject to which, the shares from which the stock arose might previously to conversion have been transferred, or as near thereto as circumstances admit; but the directors may from time to time fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of such minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose.

33. The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges, and advantages as regards dividends, voting at meetings of the company, and other matters as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred such privilege or advantage.

34. Such of the regulations of the company (other than those relating to share warrants) as are applicable to paid-up shares shall apply to stock, and the word "share" and "shareholder" therein shall include "stock" and "stock-holder."

Share Warrants.

35. The company may issue share warrants, and accordingly the directors may in their discretion, with respect to any share which is fully paid up, on application in writing signed by the person registered as holder of the share, and authenticated by such evidence, if any, as the directors may from time to time require as to the identity of the person signing the request, and on receiving the certificate, if any, of the share, and the amount of the stamp duty on the warrant and such fee as the directors may from time to time require, issue under the company's seal a warrant, duly stamped, stating that the bearer of the warrant is entitled to the shares therein specified, and may provide by coupons, or otherwise, for the payment of dividends, or other moneys, on the shares included in the warrant.

36. A share warrant shall entitle the bearer to the shares included in it, and the shares shall be transferred by the delivery of the share warrant, and the provisions of the regulations of the company with respect to transfer and transmission of shares shall not apply thereto.

37. The bearer of a share warrant shall, on surrender of the warrant to the company for cancellation, and on payment of such sum as the directors may from time to time prescribe, be entitled to have his name entered as a member in the register of members in respect of the shares included in the warrant.

38. The bearer of a share warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the shares included in the deposited warrant. Not more than one person shall be recognised as depositor of the share warrant. The company shall on two days' written notice return the deposited share warrant to the depositor.

39. Subject as herein otherwise expressly provided no person shall, as bearer of a share warrant, sign a requisition for calling a meeting of the company, or attend, or vote, or exercise any other privilege of a member at a meeting of the company, or be entitled to receive any notices from the company; but the bearer of a share warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company.

40. The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share warrant or coupon may be issued by way of renewal in case of defacement, loss, or destruction.

Alteration of Capital.

41. The directors may, with the sanction of an extraordinary resolution of the company, increase the capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

42. Subject to any direction to the contrary that may be given by the resolution sanctioning the increase of capital, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled. Such offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of such time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which (by reason of the ratio which the new shares bear to shares held by persons entitled to an offer of new shares) cannot, in the opinion of the directors, be conveniently offered under this article.

43. The new shares shall be subject to the same provisions with reference to the payment of calls, lien, transfer, transmission, forfeiture and otherwise as the shares in the original capital.

44. The company may, by special resolution :—

(*a*) Consolidate and divide its capital into shares of larger amount than its existing shares.

(*b*) By sub-division of its existing shares, or any of them, divide the whole, or any part, of its capital into shares of smaller amount than is fixed by the Memorandum of Association, subject, nevertheless, to the proviso contained in the Companies Act, 1867, section 21.

(*c*) Cancel any shares which, at the date of the passing of the resolution, have not been taken or agreed to be taken by any person.

(*d*) Reduce its capital in any manner and with, and subject to, any incident authorized, and consent required, by law.

General Meetings.

45. The statutory general meeting of the company shall be held within the period required by the Companies Act, 1900, section 12.

46. A general meeting shall be held once in every year at such time and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be convened by any two members in the same manner as nearly as possible as that in which meetings are to be convened by the directors.

47. The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

48. The directors may, whenever they think fit, convene an extraordinary general meeting, and extraordinary general meetings shall also be convened on such requisition, or, in default, may be convened by such requisitionists as provided by the Companies Act, 1900, section 13. If at any time there shall not be within the United Kingdom sufficient directors capable of acting to form a quorum, any director or any two members of the company may convene an extraordinary general meeting in the same manner as nearly as possible as that in which meetings may be convened by the directors.

Proceedings at General Meetings.

49. Seven days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day, and the hour of meeting and, in case of special business, the general nature of such business shall be given in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under the regulations of the company, entitled to receive such notices from the company; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

50. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend, the consideration of the accounts, balance-sheets, and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

51. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, three members personally present shall be a quorum.

52. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place, and if at such adjourned meeting a quorum is not present

within half an hour from the time appointed for the meeting, the members present shall be a quorum.

53. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company.

54. If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, or is unwilling to act as chairman, the members present shall choose some one of their number to be chairman.

55. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for ten days or more notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment, or of the business to be transacted at an adjourned meeting.

56. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded in case the resolution be proposed as a special or extraordinary resolution by at least five members or in any other case by at least two members, and, unless a poll is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution.

57. If a poll is duly demanded it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

58. In the case of an equality of votes, whether on a show of hands, or on a poll, the chairman of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second or casting vote.

59. A poll demanded on the election of a chairman, or on a question of adjournment, shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

Votes of Members.

60. On a show of hands every member present in person shall have one vote. On a poll every member shall have one vote for each share of which he is the holder.

61. In the case of joint holders the vote of the senior who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint holders; and for this purpose seniority shall be determined by the order in which the names stand in the register of members.

62. A member of unsound mind, or in respect of whom an order has been made by any Court having jurisdiction in lunacy may vote, whether on a show of hands or on a poll, by his committee, curator bonis or other person in the nature of a committee or curator bonis appointed by such Court, and such committee, curator bonis or other person may, on a poll, vote by proxy.

63. No member shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the company have been paid.

64. On a poll votes may be given either personally or by proxy.

65. The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorized in writing, or, if the appointor is a corporation, either under the common seal, or under the hand of an officer or attorney so authorized. No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy, or he is appointed to act at that meeting as proxy for a corporation.

66. The instrument appointing a proxy and the power of attorney or other

authority, if any, under which it is signed or a notarially certified copy of such power or authority shall be deposited at the registered office of the company not less than forty-eight hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.

67. An instrument appointing a proxy may be in the following form, or in any other form which the directors shall approve :—

Company, Limited.

"I of in the County of

being a member of the Company, Limited,

hereby appoint of as my proxy to vote for me and on my behalf at the [ordinary *or* extraordinary, *as the case may be*] general meeting of the company to be held on the day of and at any adjournment thereof.

Signed this day of

Directors.

68. The number of the directors and the names of the first directors, shall be determined in writing by a majority of the subscribers of the memorandum of association.

69. The remuneration of the directors shall from time to time be determined by the company in general meeting.

70. The qualification of a director shall be the holding of at least one share in the company, and it shall be his duty to comply with the provisions of the Companies Act, 1900, section 3.

Powers and Duties of Directors.

71. The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the company, and may exercise all such powers of the company as are not, by the Companies Acts, 1862 to 1900, or any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting, subject nevertheless to any regulation of these articles, to the provisions of the said Acts, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting ; but no regulations made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

72. The directors may from time to time appoint one or more of their body to the office of managing director or manager for such term, and at such remuneration (whether by way of salary, or commission, or participation in profits, or partly in one way, and partly in another), as they may think fit, and a director so appointed shall not, while holding such office, be subject to retirement by rotation, or taken into account in determining the rotation of retirement of directors ; but his appointment shall be subject to determination *ipso facto* if he shall cease from any cause to be a director, or if the company in general meeting shall resolve that his tenure of the office of managing director or manager be determined.

73. The amount for the time being remaining undischarged of moneys borrowed or raised by the directors for the purposes of the company (otherwise than by the issue of share capital) shall not at any time exceed the issued capital of the company without the sanction of the company in general meeting.

74. The directors shall duly comply with the provisions of the Companies Acts, 1862 to 1900, or any statutory modification thereof for the time being in force, and in particular the provisions in regard to the registration of mortgages and charges affecting the property of, or created by, the company, and to keeping a register of the directors, and in regard to sending to the Registrar of Joint Stock Companies an annual list of members, and a summary of particulars relating thereto, and notice of any consideration or increase of capital, or conversion of shares into stock, and copies of special resolutions, and a copy of the register of directors, and notifications of any changes therein.

75. The directors shall cause minutes to be made in books provided for the purpose—

(*a*) of all appointments of officers made by the directors ;

(*b*) of the names of the directors present at each meeting of the directors and of any committee of the directors ;

(*c*) of all resolutions and proceedings at all meetings of the company, and of the directors, and of committees of directors,

and every directors present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

The Seal.

76. The seal of the company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of at least two directors, and of the secretary or such other person as the directors may appoint for the purpose ; and those two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence.

Disqualifications of Directors.

77. The office of director shall be vacated :—

If he ceases to be a director by virtue of the Companies Act, 1900, Section 3.

If he holds any other office of profit under the company except that of managing director or manager.

If he becomes bankrupt.

If he is found lunatic or becomes of unsound mind.

If he is concerned or participates in the profits of any contract with the company.

But the above rules shall be subject to the following exceptions :—That no director shall vacate his office by reason of his being a member of any company which has entered into contracts with or done any work for the company of which he is director : nevertheless, he shall not vote in respect of such contract or work : and if he does so vote his vote shall not be counted.

Rotation of Directors.

78. At the first ordinary meeting of the company the whole of the directors shall retire from office, and at the ordinary meeting in every subsequent year one-third of the directors for the time being, or if their number is not three or a multiple of three, then the number nearest to one-third, shall retire from office.

79. The directors to retire in every year shall be those who have been longest in office since their last election, but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

80. A retiring director shall be eligible for re-election.

81. The company at the general meeting at which a director retires in manner aforesaid may fill up the vacated office by electing a person thereto.

82. If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week at the same time and place, and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall be deemed to have been re-elected at such adjourned meeting.

83. The company may from time to time in general meeting increase or reduce the number of directors, and may also determine in what rotation such increased or reduced number is to go out of office.

84. Any casual vacancy occurring in the board of directors may be filled up by the directors, but the person so chosen shall be subject to retirement at the same time

as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

85. The directors shall have power at any time, and from time to time, to appoint a person as an additional director who shall retire from office at the next following ordinary general meeting, but shall be eligible for election by the company at that meeting as an additional director.

86. The company may by extraordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead; the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

Proceedings of Directors.

87. The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may and the secretary on the requisition of a director shall at any time summon a meeting of the directors.

88. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall (when the number of directors exceeds three) be three.

89. The continuing directors may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number, or of summoning a general meeting of the company, but for no other purpose.

90. The directors may elect a chairman of their meetings and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the directors present may choose one of their number to be chairman of the meeting.

91. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors.

92. A committee may elect a chairman of their meetings: if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

93. A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

94. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends and Reserve.

95. The company in general meeting may declare dividends, but no dividend shall exceed the amount recommended by the directors.

96. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.

97. No dividend shall be paid otherwise than out of profits.

98. Subject to the rights of persons, if any, entitled to shares with special rights as to dividends, all dividends shall be declared and paid according to the amounts paid on the shares, but if and so long as nothing is paid up on any of the shares in

the company dividends may be declared and paid according to the amounts of the shares. No amount paid on a share in advance of calls shall, while carrying interest, be treated for the purposes of this article as paid on the share.

99. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve or reserves which shall, at the discretion of the directors, be applicable for meeting contingencies, or for equalizing dividends, or for any other purpose to which the profits of the company may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares of the company) as the directors may from time to time think fit.

100. If several persons are registered as joint holders of any share any one of them may give effectual receipts for any dividend payable on the share.

101. Notice of any dividend that may have been declared shall be given in manner hereinafter mentioned to the persons entitled to share therein.

102. No dividend shall bear interest against the company.

Accounts.

103. The directors shall cause true accounts to be kept:—

Of the sums of money received and expended by the company and the matter in respect of which such receipt and expenditure takes place; and

Of the assets and liabilities of the company.

104. The books of account shall be kept at the registered office of the company, or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors.

105. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or document of the company except as conferred by statute or authorized by the directors or by the company in general meeting.

106. Once at least in every year the directors shall lay before the company in general meeting a profit and loss account for the period since the preceding account or (in the case of the first account) since the incorporation of the company, made up to a date not more than six months before such meeting.

107. A balance-sheet shall be made out in every year and laid before the company in general meeting made up to a date not more than six months before such meeting. The balance-sheet shall be accompanied by a report of the directors as to the state of the company's affairs, and the amount which they recommend to be paid by way of dividend, and the amount, if any, which they propose to carry to a reserve fund.

108. A copy of such balance-sheet and report shall, seven days previously to the meeting, be sent to the persons entitled to receive notices of general meetings in the manner in which notices are to be given hereunder.

Audit.

109. Auditors shall be appointed and their duties regulated in accordance with the Companies Act, 1900, sections 21, 22, and 23, or any statutory modification thereof for the time being in force.

Notices.

110. A notice may be given by the company to any member either personally, or by sending it through the post in a prepaid letter addressed to such member at his registered address, or (if he has no registered address in the United Kingdom) at the address, if any, within the United Kingdom supplied by him to the company for the giving of notices to him.

111. If a member has no registered address in the United Kingdom and has not supplied to the company an address within the United Kingdom for the giving of notices to him, a notice addressed to him, and advertised in a newspaper circulat-

ing in the neighbourhood of the registered office of the company, shall be deemed to be duly given to him on the day on which the advertisement appears.

112. A notice may be given by the company to the joint holders of a share by giving the notice to the joint holder named first in the register in respect of the share.

113. A notice may be given by the company to the persons entitled to a share in consequence of the death or bankruptcy of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or trustee of the bankrupt, or by any like description, at the address, if any, in the United Kingdom supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or bankruptcy had not occurred.

114. Notice of every general meeting shall be given in some manner hereinbefore authorized to (a) every member of the company (including bearers of share warrants) except those members who (having no registered address within the United Kingdom) have not supplied to the company an address within the United Kingdom for the giving of notices to them, and also to (b) every person entitled to a share in consequence of the death or bankruptcy of a member, who, but for his death or bankruptcy, would be entitled to receive notice of the meeting. No other persons shall be entitled to receive notices of general meetings.

115. Any notice, if given by post, shall be deemed to have been served at the time when the letter containing the same is put into the Post Office, and in proving the giving of the notice it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

TABLE OF ALTERATIONS

ON

THE SCOTS STATUTES REVISED

AND ON

THE SCOTS STATUTES

BY THE LEGISLATION OF

6 EDWARD VII. (1906).

NOTE.—The Scots Statutes Revised *are referred to by the Volume and Page; and* The Scots Statutes *by the Year and Page.*

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
I.	44	5 G. I. c. 20	Sec. 14 repealed by 6 E. VII. c. 50, sec. 9.
,,	53	13 G. I. c. 26	Repealed by 6 E. VII. c. 50, sec. 9.
,,	54	13 G. I. c. 30	Repealed by 6 E. VII. c. 50, sec. 9.
,,	69	19 G. II. c. 37	Repealed by 6 E. VII. c. 41, sec. 92.
,,	158	28 G. III. c. 56	The whole Act so far as it relates to Marine Insurance repealed by 6 E. VII. c. 41, sec. 92.
,,	330	48 G. III. c. 110	Sec. 4 repealed by 6 E. VII. c. 50, sec. 9.
II.	68	6 G. IV. c. 48	Sec. 27 repealed by 6 E. VII. c. 16, sec. 5 (2).
,,	122	7 & 8 G. IV. c. 75	Provision made for additional Land Tax Commissioners, removal of property qualification. Justices for a borough may act by 6 E. VII. c. 52, secs. 1, 2, and 3.
III.	283	10 & 11 V. c. 91	Repealed by 6 E. VII. c. 50, sec. 9.
,,	358	14 & 15 V. c. 42	President of Board of Agriculture to be additional Commissioner of Woods, 6 E. VII. c. 28, sec. 1.
,,	361	14 & 15 V. c. 42	Power to transfer management of Richmond and Kew Greens to Council of Borough, 6 E. VII. c. 28, sec. 7.
,,	454	16 & 17 V. c. 69	Sec. 16 extended to Naval Reserves by 6 E. VII. c. 5, sec. 3.
IV.	41	17 & 18 V. c. 94	Amended and Schedule (B) 2nd column the words "Ditto for improving fisheries and manufactures." Schedule (B) 3rd column the words "5 G. I. c. 20," repealed by 6 E. VII. c. 50, secs. 8 and 9.
,,	77	19 & 20 V. c. 56	Sec. 43 repealed by 6 E. VII. c. 20, sec. 12.
,,	463	26 & 27 V. c. 7	Sec. 1 amended by 6 E. VII. c. 8, sec. 2 (3).
,,	528	26 & 27 V. c. 100	Repealed by 6 E. VII. c. 32, sec. 10.
V.	150	29 & 30 V. c. 62	Sec. 1 extended by 6 E. VII. c. 28, sec. 4.
,,	323	31 & 32 V. c. 86	Repealed by 6 E. VII. c. 41, sec. 92.
,,	522	33 & 34 V. c. 52	Bribery added to list of Extradition Crimes by 6 E. VII. c. 15, sec. 1.
VI.	5	34 & 35 V. c. 31	Liability for Tortious Acts in contemplation or in furtherance of a trade dispute excepted from sec. 9 by 6 E. VII. c. 47, sec. 4 (2).
,,	29	34 & 35 V. c. 56	Sec. 2 extended to dogs having injured cattle or chased sheep, 6 E. VII. c. 32, sec. 1 (4). Sec. 1 and sec. 5, from the expression "Police District" to the end of the sec., repealed by sec. 10 of said Act.

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
VI.	120	35 & 36 V. c. 77	Sec. 11 from the beginning to "injured respectively," repealed by 6 E. VII. c. 53, sec. 7, and subsection substituted by sec. 2 (2) of said Act.
,,	283	38 & 39 V. c. 39	Sec. 1 extended to include accidents by 6 E. VII. c. 53, sec. 1.
,	308	38 & 39 V. c. 86	Sec. 3 amended by the addition of a new paragraph after the first paragraph; the words "between employers and workmen" repealed, and the meaning of "trade disputes" and "workmen" extended by 6 E. VII. c. 47, sec. 1 and sec. 5 (3); sec. 7 from "attending at or near" to end of sec. repealed by sec. 2 of said Act.
,,	354	39 & 40 V. c. 36	Power to grant Licences removing Restriction under sec. 42 on Importation of Tobacco in Ships under 120 tons, 6 E. VII. c. 20, sec. 6.
,,	392	39 & 40 V. c. 36	Sec. 233 extended to include Saccharin by 6 E. VII. c. 20, sec. 5.
,,	460	40 & 41 V. c. 2	Extension of 3 months to issue Treasury Bills under sec. 6 by 6 E. VII. c. 20, sec. 10.
,,	465	40 & 41 V. c. 28	The whole Act, except secs. 1, 10, and 11, and the definition of Sheriff in sec. 3, repealed by 6 E. VII. c. 56, sec. 8.
,,	518	41 & 42 V. c. 15	Sheriff's consent required for exemption from Dog Licence under sec. 22 by 6 E. VII. c. 32, sec. 5.
VII.	119	43 & 44 V. c. 24	Supplemental Amendments on secs. 121, 125 (1), 130 and (1) and (2) by 6 E. VII. c. 20, sec. 2. "One-nineteenth" substituted for "one-ninth" in sec. 123 (3) by sec. 1 (3) of said Act. Such quantity as Commissioners may authorise by regulation be substituted for fifty gallons in sec. 126 (c) and for one gallon in secs. (E) and (F) by sec. 1 (5) also of said Act.
,,	148	43 & 44 V. c. 42	No appeal from Sheriff Court to Court of Session unless on question of Law, 6 E. VII. c. 58, sec. 14.
,,	150	43 & 44 V. c. 47	Right of occupiers of Moorlands, &c., to kill Ground Game under secs. 1 (3) and 3 extended by 6 E. VII. c. 21, secs. 2 and 3.
,	175	44 & 45 V. c. 37	Repealed by 6 E. VII. c. 14, sec. 30.
,,	300	45 & 46 V. c. 48	Extended to men when outside the United Kingdom, sec. 14 (2) repealed from and after the words "so however," non-retrospective, 6 E. VII. c. 11, sec. 2; sec. 20 extended by sec. 1 (2) of said Act.
,,	365	45 & 46 V. c. 61	Sec. 82 amended by 6 E. VII. c. 17, sec. 1.
,,	491	46 & 47 V. c. 58	Sec. 4 extended to Foreign States and British Protectorates by 6 E. VII. c. 4, sec. 1.
VIII.	121	50 & 51 V. c. 58	Sec. 33 extended to include accidents by 6 E. VII. c. 53, sec. 1, and new subsection substituted for sec. 35 (1) by sec. 2 of said Act. Sec. 35 (1) repealed by 6 E. VII. c. 53, sec. 7.
,,	150	50 & 51 V. c. 67	Sec. 1 modification by 6 E. VII. c. 58, sec. 9 (2).
,,	203	51 & 52 V. c. 62	Compensation under the Workmen's Compensation Act included among the debts under sec. 1 by 6 E. VII. c. 58, sec. 5 (3).
,,	538	54 & 55 V. c. 39	10/- substituted for duties under heading Award or Decreet-Arbitral in First Schedule by 6 E. VII. c. 20, sec. 9.
,,	602	55 & 56 V. c. 30	Repealed by 6 E. VII. c. 14, sec. 30.
,,	707	55 & 56 V. c. 55	Sec. 390 repealed by 6 E. VII. c. 32, sec. 10.
IX.	49	56 & 57 V. c. 56	Repealed, non-retrospective, 6 E. VII. c. 27, sec. 13.
,,	83	57 & 58 V. c. 28	Sec. 1 (1) amended by 6 E. VII. c. 53, sec. 6, and sec. 1 (3) repealed by sec. 7 of said Act.
,	135	57 & 58 V. c. 57	Power of Board of Agriculture to make Orders about Dogs under sec. 22 extended by 6 E. VII. c. 32, sec. 2.
,,	184	57 & 58 V. c. 60.	Sec. 21 (1) amended by 6 E. VII. c. 48, sec. 52. Sec. 48 (2) repealed and new subsection substituted by 6 E. VII. c. 48, secs. 85 and 53. Sec. 79 and Third Schedule amended by 6 E. VII. c. 48, sec. 54 (1) and (2). Sec. 84, subsec. 1, amended by 6 E. VII. c. 48, sec. 55.

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
IX.	184	57 & 58 V. c. 60	Sec. 92 (1) par. (b) repealed and new paragraph substituted by 6 E. VII. c. 48, secs. 85 and 56. Sec. 126 amended by 6 E. VII. c. 48, sec. 58 (1) and (2). Secs. 132 and 133 extended by 6 E. VII. c. 48, sec. 59 (2). Sec. 136 amended by 6 E. VII. c. 48, sec. 60. Sec. 141, provisions for giving effect to sec. by 6 E. VII. c. 48, sec. 61. Sec. 144 repealed by 6 E. VII. c. 48, sec. 85. Secs. 169 to 181 extended by 6 E. VII. c. 48, sec. 29. Sec. 182 extended by 6 E. VII. c. 48, sec. 28 (8). Secs. 186 to 193 ; secs. 207, 208, and 235 repealed by 6 E. VII. c. 48, sec. 85. Sec. 199 extended by 6 E. VII. c. 48, sec. 25 (1), (2), and (3). Sec. 206, Extension of Inspecting Officer's powers, 6 E. VII. c. 48, sec. 26 (1). Sec. 208, Additional Cook on Emigrant Ships, 6 E. VII. 48, s. 27 (4). Sec. 210 (1) altered by 6 E. VII. c. 48, sec. 64. Sec. 237 amended by 6 E. VII. c. 48, sec. 82. Sec. 244, sec. 1 amended by 6 E. VII. c. 48, sec. 74 (2). In subsection (2) of section 246 the words "and appoint and remove the superintendents, deputies, clerks, and servants," and in paragraph (*a*) of that subsection the words "the number of persons to be so appointed and the amount of their salaries and wages, and" and the word "other" ; and paragraph (*c*) of that subsection ; and in paragraph (*d*) of that subsection the words "and all persons and offices so appointed shall be subject to the immediate control of the Board of Trade and not of the local marine board of the port" ; and in subsection (3) of the same section the words "and appoint and remove all the requisite superintendents, deputies, clerks, and servants," repealed by 6 E. VII. c. 48, sec. 85. Secs. 260 and 266 applied by 6 E. VII. c. 48, sec. 49 (3). In sec. 267 the words "and every foreign steamship carrying passengers between places in the United Kingdom," repealed, and passenger steamships to include foreign passenger steamships, 6 E. VII. c. 48, secs. 85 and 13. Paragraph (3) of sec. 268 repealed and new paragraph substituted by 6 E. VII. c. 48, secs. 85 and 14. Sec. 283 altered by 6 E. VII. c. 48, sec. 22. Sec. 291 repealed by 6 E. VII. c. 48, sec. 85. Sec. 299 repealed by 6 E. VII. c. 48, sec. 85. Secs. 309 and 310 and (3) ; provision made for continuing Bonds by 6 E. VII. c. 48, sec. 20 (1), (2), and (3). Paragraph (i) of sec. 328 repealed and new paragraph substituted ; sec. 353, in subsection (1) of sec. 413 the words "of England or Ireland," by 6 E. VII. c. 48, secs. 85 and 19. New sec. substituted for sec. 353 by 6 E. VII. c. 48, sec. 24. Sec. 361 additional obligations on Master by 6 E. VII. c. 48, sec. 18 (4). Secs. 413 to 416 and Part IV. applied to trawlers of 25 tons and upwards going to or from ports in Scotland by 6 E. VII. c. 48, sec 81 (1) and (2). Secs. 427 to 431 applied after 1st January 1909 to foreign ships with exceptions, 6 E. VII. c. 48, sec. 4. Secs. 437 and 438 amended by 6 E. VII. c. 48, sec. 7. Secs. 437 to 443, except sec. 440 (3) and (4), applied to foreign ships within ports of the United Kingdom without prejudice to powers under secs. 445 and 734, 6 E. VII. c. 48, sec. 1. Sec. 440 and (2), (3), (4), and (5) extended, applied, and amended by 6 E. VII. c. 48, sec. 8 (1), (2), (5), and (4). Sec. 451 as from the passing of this Act repealed by 6 E. VII. c. 48, sec. 85.

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
IX.	184	57 & 58 V. c. 60	Offences under sec. 452 (2) may be prosecuted summarily, 6 E. VII. c. 48, sec. 11. Secs. 452, 454, and 455 applied after 1st October 1907 to foreign ships loading or unloading grain, sec. 454 partially applied to foreign ships, 6 E. VII. c. 48, sec. 3. In sec. 462, the words "has taken on board all or any part of her cargo," and the word "and" where it next occurs, and the words "whilst at that port," repealed and sec. applied to foreign ships unsafe by reason of defective hull; in paragraph (*a*) of subsection (2) of sec. 503 the words "gross tonnage without deduction on account of engine room," repealed and sec. amended, 6 E. VII. c. 48, secs. 85, 2, and 69. Secs. 475 and 478 extended by 6 E. VII. c. 48, sec. 66. Sec. 483 extended, and sec. 689 and (2), (4), and (5) applied by 6 E. VII. c. 48, sec. 67. Sec. 483 (2) amended and applied by 6 E. VII. c. 48, sec. 68 (2). Secs. 502 to 509, "owner" to include charterer to whom ship is demised, 6 E. VII. c. 48, sec. 71. Sec. 503 (2) (A) amended, 6 E. VII. c. 48, sec. 69. Sec. 518 extended by 6 E. VII. c. 48, sec. 72. Secs. 599, 600, and 604 pilotage certificates under foregoing secs. only granted to British subjects by 6 E. VII. c. 48, sec. 73. Sec. 680 applied to Scotland by 6 E. VII. c. 48, sec. 82 (2). Secs. 691, 695, and 174 (2) and (3) applied and extended to pilots by 6 E. VII. c. 58, sec. 7, and 692 applied by sec. 11 (3) of said Act. Sec. 702 amended by 6 E. VII. c. 48, sec. 82 (3). The words "or misdemeanors" in sec. 703 repealed by 6 E. VII. c. 48, sec. 82 (4). Sec. 744 amended as respects Scottish whalers by 6 E. VII. c. 48, sec. 83. Secs. 722 and 724, substitution of Ship Surveyor for Shipwright Surveyor, 6 E. VII. c. 48, sec. 75 (1), (2), (3), and (4). The 10th, 11th, 12th, 13th, and 14th Schedules as from the dates on which regulations, scales, conditions, and forms are prescribed by the Board of Trade in substitution for those Schedules respectively, 6 E. VII. c. 48, secs. 85 and 17.
„	409	58 V. c. 36	Sec. 4 (7) and (10) repealed and new enactments in lieu thereof, 6 E. VII. c. 35, secs. 2 and 4.
„	516	60 & 61 V. c. 22	Sec. 4 made retrospective by 6 E. VII. c. 56, sec. 5.
„	519	60 & 61 V. c. 37	Repealed but applicable to accidents before this Act, 6 E. VII. c. 58, sec. 16 (2); provision for existing contracts and schemes, sec. 15.
X.	5	61 & 62 V. c. 14	Sec. 1 amended by 6 E. VII. c. 48, sec. 70.
„	5	61 & 62 V. c. 14	Sec. 1, from "provided" to the end of the sec., repealed by 6 E. VII. c. 48, sec. 85.
„	17	61 & 62 V. c. 44	Sec. 4 repealed by 6 E. VII. c. 48, sec. 85.
„	101	63 V. c. 7	Continuance of additional Customs, Duties, and Drawbacks on tobacco, beer, and spirits imposed under secs. 2/7 by 6 E. VII. c. 8, secs. 4 and 5.
„	110	63 & 64 V. c. 22	Repealed but applicable to accidents before this Act, 6 E. VII. c. 58, sec. 16 (2).
„	113	63 & 64 V. c. 27	Sec. 13 (3) repealed by 6 E. VII. c. 53, sec. 7.
„	157	63 & 64 V. c. 50	Subsec. (1) of sec. 1 repealed, and new subsections substituted by 6 E. VII. c. 56, sec. 1. In sec. 2, the words "by arbitration in accordance with the provisions (if any) in that behalf in any agreement between landlord and tenant, and in default of and subject to any such provisions"; the words "or arbitrators"; the words "An arbitration shall, unless the parties otherwise agree, be before a single arbitrator"; the words "or umpire"; and the words "subject to any

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
X.	157	63 & 64 V. 50	provision contained in any agreement between landlord and tenant," also Second Schedule, Part II., repealed by 6 E. VII. c. 56, sec. 8. New rule substituted for rule 10 in Part I. of Second Schedule, 6 E. VII. c. 56, sec. 1, subsec. 3. Additional improvements included in Part III. of First Schedule by 6 E. VII. c. 56, sec. 6.
Scots Statutes. Year.	Page.		
1901	8	1 E. VII. c. 7	Sec. 3 and the Fourth Schedule as from 1st November 1906, repealed by 6 E. VII. c. 8, sec. 8.
„	10	1 E. VII. c. 7	Subject to the provision of sec. 11, time policy exceeding twelve months is invalid, 6 E. VII. c. 41, sec. 25 (2).
„	33	1 E. VII. c. 22	Sec. 19 repealed and new provisions substituted by 6 E. VII. c. 53, secs. 7 and 4 (5). Application of Workmen's Compensation Act to Industrial Diseases, 6 E. VII. c. 58, sec. 8.
„	79	1 E. VII. c. 22	Sec. 130 amended by 6 E. VII. c. 49, sec. 10.
1902	6	2 E. VII. c. 7	"By" substituted for "without" in sec. 5 (2) by 6 E. VII. c. 20, sec. 8, and sec. 8 amended by sec. 1 of said Act.
1904	6	4 E. VII. c. 7	½d. substituted for 3d. on shipped tobacco under sec. 2 (1), sec. 2 (2) repealed, and First Schedule substituted by Schedule to 6 E. VII. c. 8, sec. 2 (2).
„	27	4 E. VII. c. 24	Act continued to 31st December 1909, and sec. 6 repealed by 6 E. VII. c. 16, sec. 1.
„	8	4 E. VII. c. 7	Sec. 9 extended to include Insurance Companies in Great Britain or Ireland, 6 E. VII. c. 20, sec. 11.

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THE SCOTS STATUTES, 1907,

PASSED IN THE SEVENTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

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PASSED IN THE SEVENTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH,

TOGETHER WITH THE TITLES OF ALL THE PUBLIC GENERAL STATUTES PASSED DURING THE SAID YEAR.

CHAPTER I.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and seven and one thousand nine hundred and eight. [22*nd March* 1907.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. ISSUE OF £71,715 OUT OF THE CONSOLIDATED FUND FOR THE SERVICE OF THE YEAR ENDING 31ST MARCH 1907.—The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and seven, the sum of seventy-one thousand seven hundred and fifteen pounds.

2. ISSUE OF £38,114,700 OUT OF THE CONSOLIDATED FUND FOR THE SERVICE OF THE YEAR ENDING 31ST MARCH 1908.—The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and eight, the sum of thirty-eight million one hundred and fourteen thousand seven hundred pounds.

3. POWER FOR THE TREASURY TO BORROW.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole thirty-eight million one hundred and eighty-six thousand four hundred and fifteen pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March nineteen hundred and eight, and section six of the Treasury Bills Act, 1877 (40 and 41 Vict. c. 2) (which relates to the renewal of bills), shall not apply with respect to those bills.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with

interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

4. SHORT TITLE.—This Act may be cited as the Consolidated Fund (No. 1) Act, 1907.

CHAPTER II.

ARMY (ANNUAL) ACT, 1907.

[7 EDW. 7. CH. 2.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title.
2. Army Act to be in force for specified times.
3. Prices in respect of billeting.

AMENDMENTS OF ARMY ACT.

4. Amendment of Army Act as to complaint by a soldier.
5. Amendment of Army Act as to taking of evidence before a commanding officer.
6. Amendment of Army Act as to rules relating to military prisons and prisoners.
7. Amendment of Army Act as to sentences on officers of Indian Staff Corps.
8. Amendment of Army Act as to billeting.
9. Adaptation of provision of Army Act to punishment of detention.
10. Provisions as to punishments on active service.
SCHEDULES.

CHAPTER II.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army. [29*th April* 1907.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and ninety thousand including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who

mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act 44 and 45 Vict. c. 58 will expire in the year one thousand nine hundred and seven on the following days:—

(*a*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Short Title.—This Act may be cited as the Army (Annual) Act, 1907.

2. Army Act to be in Force for Specified Times.—(1) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):—

(*a*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and seven to the thirtieth day of April one thousand nine hundred and eight, both inclusive; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand nine hundred and seven to the thirty-first day of July one thousand nine hundred and eight, both inclusive; and

(*c*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of December one thousand nine hundred and seven to the thirty-first day of July one thousand nine hundred and eight, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number hereinbefore mentioned.

3. Prices in Respect of Billeting.—There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the First Schedule to this Act.

Amendments of Army Act.

4. Amendment of Army Act as to Complaint by a Soldier.—In section forty-three of the Army Act (which deals with the mode of complaint by a soldier), after the words "to the prescribed general officer" there shall be inserted the words "or in the case of a soldier serving in India to such officer as the Commander-in-Chief of the forces in India with the approval of the Governor-General of India in Council may appoint."

5. Amendment of Army Act as to Taking of Evidence before a Commanding Officer.—In subsection (6) of section forty-six of the Army Act (which enables the accused person to demand that the evidence taken against him before the commanding officer shall be taken on oath), for the words "where the power of summary award by a commanding officer exceeds a sentence of seven days' detention" there shall be substituted the words "where the commanding officer has power to deal with the case summarily."

6. Amendment of Army Act as to Rules Relating to Military Prisons and Prisoners.—In subsection (2) of section one hundred and thirty-three of the Army Act (which relates to the power of a Secretary of State to make rules with respect to military prisons and prisoners), for the words "military prisoners" there shall be substituted the words "military or other prisoners."

7. AMENDMENT OF ARMY ACT AS TO SENTENCES ON OFFICERS OF INDIAN STAFF CORPS.—Paragraph (*e*) of subsection (2) of section one hundred and eighty of the Army Act (which relates to sentences on officers of the Indian Staff Corps) shall be repealed.

8. AMENDMENT OF ARMY ACT AS TO BILLETING.—For paragraph (2) of Part I. of the Second Schedule to the Army Act (which relates to billeting) there shall be substituted the paragraph set forth in the Second Schedule to this Act, and in the third paragraph of the said part of the said Schedule to the Army Act for the words "a hot meal" there shall be substituted the words "a meal."

9. ADAPTATION OF PROVISION OF ARMY ACT TO PUNISHMENT OF DETENTION.—(1) For the purpose of giving effect to the provisions of the Army (Annual) Act, 1906, relating to the punishment of detention, the modifications set out in the Third Schedule to this Act shall be made in the Army Act.

(2) Section 135A of the Army Act is hereby repealed.

10. PROVISIONS AS TO PUNISHMENTS ON ACTIVE SERVICE.—In the provisions of the Army Act relating to punishments on active service, the following amendments shall be made:—

(1) In section forty-four (which relates to the scale of punishments by courts-martial)—

(*a*) There shall be substituted for proviso (5) the following proviso:

"(5) Where a soldier on active service is guilty of any offence it shall be lawful for a court-martial to award for that offence such field punishment other than flogging as may be directed by rules to be made from time to time by a Secretary of State, and such field punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb";

(*b*) The words "field punishment" shall be substituted for the words "summary punishment" wherever those words occur in provisos (9) and (10);

(*c*) Provisos (6), (7), and (8) shall be repealed;

(*d*) The following proviso shall be added as a new proviso after proviso (5):—

"(6) In addition to or without any other punishment in respect of an offence committed by a soldier on active service, it shall be lawful for a court-martial to order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding three months"

(2) In section forty-six (which relates to the powers of commanding officers)—

(*a*) At the end of subsection (2) there shall be added the following paragraph:—

"and

"(*d*) In the case of an offence by a soldier (not being a non-commissioned officer) on active service, may award to the offender field punishment within the meaning of section forty-four of this Act for any period not exceeding twenty-eight days, and may in addition to or without any other punishment order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding twenty-eight days";

(*b*) In subsection (3) the words "not on duty, and it is not an aggravated offence of drunkenness within the meaning of section forty-four of this Act" shall be repealed, and after the word "unless" there shall be added the words "the offence was committed on active service or on duty, or after the offender was warned for duty, or unless by reason of the drunkenness the offender was found unfit for duty, or unless."

(3) In paragraph (*d*) of subsection (1) of section forty-nine (which relates to field general courts-martial) the words "field punishment" shall be substituted for the words "summary punishment."

(4) At the end of section seventy-four (which relates to provost marshals) the following proviso shall be added:—

"Provided that a provost marshal and his assistants shall, as respects

any soldier in his or their custody and undergoing field punishment, have the same powers as the governor of a military prison."

(5) At the end of section one hundred and thirty-three (which relates to the establishment and regulation of military prisons) there shall be added as a new subsection:—

"(7) In any country in which operations against the enemy are being conducted the powers of a Secretary of State under this section with respect to military prisons and detention barracks shall be exerciseable by the officer commanding-in-chief in the field, and shall include a power of declaring any place to be a military prison or a detention barrack, and the limitations on the power of making rules as to the punishment of prisoners and soldiers undergoing detention and as to the severity of imprisonment and detention shall not apply: Provided that nothing in this subsection, or in any rules made thereunder, shall authorise flogging or other corporal punishment to be inflicted for any offence."

(6) In section one hundred and thirty-eight (which relates to penal stoppages from ordinary pay of soldiers)—

(*a*) In paragraph (1), after the word "detention," in both places where it occurs, there shall be inserted the words "or field punishment";

(*b*) At the end the following proviso shall be added:—

"and

"(*c*) where a soldier who is sentenced or ordered in respect of an offence on active service to forfeit all ordinary pay is liable to any other penal deductions from pay, the sentence or order shall apply only to so much of his ordinary pay as remains after those other deductions have been made."

(7) In section one hundred and eighty-three of the Army Act (which contains special provisions as to non-commissioned officers)—

(*a*) In paragraph (2) after the words "may appoint," there shall be inserted the words, "and on active service the officer commanding-in-chief in the field and any general officer he may appoint";

(*b*) In paragraph (4) after the words "penal servitude" there shall be inserted the words "field punishment."

SCHEDULES.

FIRST SCHEDULE (s. 3).

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished . .	Sixpence per night.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Fourpence each.
Hot dinner as so specified	Elevenpence halfpenny each.
Supper as so specified	Twopence halfpenny each.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer	Two shillings per night.

Note.—An officer shall pay for his food.

SECOND SCHEDULE (s. 8).

Paragraph to be substituted for paragraph (2) of Part I. of Second Schedule to Army Act.

"(2) Shall, if required by the soldier, furnish him for every day of the march, and for not more than two days, if the soldier is halted at an intermediate place on the march for more than two days, and on the day of arrival at the place of final destination, with breakfast, hot dinner, and supper on each day, such meals to consist of such quantities of food and drink as may from time to time be fixed by His Majesty's Regulations, not exceeding—

"(*a*) For breakfast, six ounces of bread, one pint of tea with milk and sugar, four ounces of bacon;

(*b*) For hot dinner, one pound of meat previous to being dressed, eight ounces of bread, eight ounces of potatoes or other vegetables, one pint of beer or mineral water of equal value;

"(*c*) For supper, six ounces of bread, one pint of tea with milk and sugar, two ounces of cheese; and"

THIRD SCHEDULE.

MODIFICATIONS OF ARMY ACT (s. 9).

Modification to be made.	Provisions of Army Act to be modified.
I.	
The following substitution of words shall be made:—	
"person" for "prisoner"	Sections twenty; twenty-one; sixty-eight, subsection (1); one hundred and thirty, subsection (5); and one hundred and thirty-one, subsection (2).
"imprisonment or detention" for "or imprisonment."	Sections fifty-seven; sixty-eight, subsection (1); seventy; one hundred and fifty-eight, subsection (2); one hundred and eighty-three, subsection (4) and proviso (*a*); and one hundred and eighty-seven.
"that person's" for "the prisoner's."	Section twenty-one.
"order the offender" for "commit such offender to prison there."	Section twenty-eight.
"accused persons" for "accuseds."	Section fifty-two, subsection (1).
"detention" for "imprisonment."	Section eighty-three, subsection (7).
II.	
The following insertion of words shall be made:—	
"or soldier" . . .	After the words "such prisoner" in section sixty-seven, subsection (1). After the word "prisoner" in section sixty-seven, subsections (2) and (3). After the word "prisoner" (except where that word follows the word "military") in section one hundred and seventy-two.
"or detention barrack" .	After the word "prison" in sections sixty-seven, subsection (2); one hundred and thirty, subsection (5); and one hundred and thirty-one, subsection (2). After the words "a military prison" in section one hundred and thirty-three, subsection (1). After the words "military prison" in section one hundred and thirty-three, subsection (3).

Modification to be made.	Provisions of Army Act to be modified.
"and detention barracks" .	After the word "prisons" in sections one hundred and thirty-three, subsections (2) and (5); and one hundred and eighty-seven.
"or detention, as the case may be."	After the words "for the purposes of the provisions of this Act relating to imprisonment" in sections sixty-four and sixty-five.
"or detention" . . .	After the words "of imprisonment" in sections sixty-four, sixty-five, sixty-six, and sixty-seven. After the word "imprisonment" in sections sixty-eight, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-three, subsection (2), and one hundred and forty.
"or soldier undergoing detention."	After the word "prisoner" in sections sixty-four, paras. (2) (*d*), (3) (*c*), and (4) (*c*); sixty-five, paras. (4) (*c*), (5) (*a*) and (6) (*b*); and sixty-six. After the words "military prisoner" in sections sixty-seven, subsection (1); and one hundred and seventy-two, subsections (2) and (4).
"or, in the case of a soldier to undergo detention."	After the word "labour" in section twenty-eight.
"or undergoing detention."	After the word "imprisoned" in section one hundred and thirty, subsection (5).
"and soldiers undergoing detention."	Before the word "therein" in section one hundred and thirty-three, subsection (2).
"or soldiers" . . .	After the words "such prisoners" in section one hundred and thirty-three, subsection (2).
"made to undergo detention."	After the word "imprisoned" in section one hundred and fifty-eight, subsection (2).
"or a soldier undergoing detention."	After the words "military prisoner" in section one hundred and seventy-two, subsection (5).

III.

The following section shall be substituted for section sixty-three:—

"63.—Execution Sentences of Imprisonment and Detention.—(1) Where a "sentence of imprisonment is passed by court-martial, the person on whom that sentence "has been passed (in the provisions of this Act relating to imprisonment referred to as a "military prisoner) shall undergo the term of his imprisonment either in military custody "or in a detention barrack or in a public prison, or partly in one way and partly in "another; and, where a sentence of detention is passed by a court-martial or a commanding "officer, the person on whom that sentence has been passed (in the provisions of this Act "relating to detention referred to as a soldier undergoing detention) shall undergo the "term of his detention either in military custody or in a detention barrack, or partly in "one way and partly in the other, but not in a prison.

"(2) Any person liable to be imprisoned in a military prison may be confined in a "detention barrack.

"(3) The order of the committing authority hereafter mentioned shall be a sufficient "warrant for the transfer of a military prisoner to a public prison or a detention barrack, "or a soldier undergoing detention to a detention barrack.

"(4) A military prisoner while in a public prison shall be confined, kept to hard "labour, and otherwise dealt with in the like manner as an ordinary prisoner under a like "sentence of imprisonment; and, where the hospital or place for the reception of sick "persons in a public prison or a detention barrack is detached from the prison or detention "barrack, a military prisoner or a soldier undergoing detention may be detained in that "hospital or place, and conveyed to or from the same as circumstances require.

"(5) A military prisoner or a soldier undergoing detention, during his conveyance "from place to place, or when on board ship or otherwise, may be subjected to such "restraint as is necessary for his safe custody and removal.

"(6) The discharging authority hereafter mentioned may, at any time during the "period of the imprisonment of a military prisoner, or of the detention of a soldier under- "going detention, by order discharge the prisoner or soldier.

"(7) The committing authority or any other prescribed authority may at any time "by order remove a military prisoner from one public prison or detention barrack "to another prison or detention barrack, or a soldier undergoing detention from one "detention barrack to another, so that he be not removed from a prison or detention "barrack in the United Kingdom to a prison or detention barrack elsewhere.

"(8) The removing authority hereafter mentioned may, at any time during the "period of the imprisonment of a military prisoner or of the detention of a soldier under- "going detention, from time to time by order provide for his being brought before a "court-martial, or any civil court, either as a witness, or for trial or otherwise; and an "order of such authority shall be a sufficient warrant for delivering him into military "custody and detaining him in custody until he can be returned, and for returning him to "the place from whence he is brought, or to such other place as may be determined by "the removing authority."

CHAPTER III.

An Act to repeal the Law which prohibits the Growing of Tobacco in Ireland. [*4th July* 1907.]

CHAPTER IV.

An Act to extend the Destructive Insects Act, 1877, *to all Pests Destructive to Crops, Trees, or Bushes.* [*4th July* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. EXTENSION OF 40 AND 41 VICT. C. 68 TO ALL PESTS.—(1) The Board of Agriculture and Fisheries may, for the purpose of preventing the introduction into Great Britain of any insect, fungus, or other pest destructive to agricultural or horticultural crops or to trees or bushes, and for preventing the spreading in Great Britain of any such insect, fungus, or other pest, exercise all such powers as may be exercised by the Board in relation to the Colorado beetle under the Destructive Insects Act, 1877; and that Act shall apply accordingly as if in that Act the expression "insect" included all such insects, fungi, and other pests, and the expression "crop" included all such crops, trees, and bushes:

Provided that the Board shall not make an order directing the payment of compensation by any local authority for the removal or destruction of any crop or any trees or bushes unless the local authority consent to make the payment.

(2) Section one of the Rules Publication Act, 1893 (56 and 57 Vict. c. 66), shall not apply to any order made under the Destructive Insects Act, 1877, or this Act.

(3) This Act shall apply to Ireland as if Ireland were named therein instead of Great Britain, and with the substitution of the Department of Agriculture and Technical Instruction for Ireland for the Board of Agriculture and Fisheries.

2. This Act may be cited as the Destructive Insects and Pests Act, 1907; and the Destructive Insects Act, 1877, and this Act may be cited together as the Destructive Insects and Pests Acts, 1877 and 1907.

CHAPTER V.

An Act to re-enact with amendments the Injured Animals Act, 1894. [*26th July* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. SLAUGHTER OF INJURED ANIMALS BY OR BY ORDER OF POLICE.—(1) If a police constable finds any animal so diseased or so severely injured or in such a physical condition that it cannot without cruelty be removed, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered

veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance; and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely injured or so diseased or in such a physical condition that it is cruel to keep it alive, it shall be lawful for the police constable, without the consent of the owner, to slaughter the animal or cause it to be slaughtered with such instruments or appliances, and with such precautions, and in such manner, as to inflict as little pain and suffering as practicable; and if the slaughter takes place in a street or public place, to remove the carcase or cause it to be removed therefrom.

(2) Any reasonable expense which may be incurred by any constable in carrying out the provisions of this Act may be recovered from the owner summarily as a civil debt, and, subject thereto, any such expense shall be defrayed out of the fund from which the expenses of the police are payable in the area in which the animal is found.

2. Definition of Animal.—For the purposes of this Act the word "animal" means any horse, mule, ass, bull, cow, ox, heifer, calf, sheep, goat, or swine.

3. Short Title and Repeal.—(1) This Act may be cited for all purposes as the Injured Animals Act, 1907.

(2) The Injured Animals Act, 1894 (57 and 58 Vict. c. 22), is hereby repealed.

CHAPTER VI.

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1906. [2*nd August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Grant of £6,000,000 for the Purpose of the Telegraph Acts.—(1) The Treasury may, with a view to the development of that part of the telegraphic system of the United Kingdom which is called the telephonic system, without prejudice to the exercise of any powers previously given for the like purpose, issue out of the Consolidated Fund, or the growing produce thereof, such sums, not exceeding in the whole the sum of six million pounds, as may be required by the Postmaster-General for the purpose of developing the telephonic system aforesaid according to estimates approved by the Treasury.

(2) The Treasury may, if they think fit, with a view to provide money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof at such times in each year as may be fixed by the Treasury.

2. Short Title.—This Act may be cited as the Telegraph (Money) Act, 1907, and may be cited with the Telegraph Acts, 1863 to 1906.

CHAPTER VII.

An Act to amend the Law relating to the Reservation for His Majesty's pleasure of Bills passed by the Legislatures of the States forming part of the Commonwealth of Australia, and to confirm certain Acts passed by those Legislatures. [2*nd August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Reservation of Bills.—(1) There shall be reserved, for the signification of His Majesty's pleasure thereon, every Bill passed by the Legislature of any State forming part of the Commonwealth of Australia which—

(*a*) alters the constitution of the Legislature of the State or of either House thereof; or

(*b*) affects the salary of the Governor of the State; or

(*c*) is, under any Act of the Legislature of the State passed after the passing of this Act, or under any provision contained in the Bill itself, required to be reserved;

but, save as aforesaid, it shall not be necessary to so reserve any Bill passed by any such Legislature:

Provided that—

(*a*) nothing in this Act shall affect the reservation of Bills in accordance with any instructions given to the Governor of the State by His Majesty; and

(*b*) it shall not be necessary to reserve a Bill for a temporary law which the Governor expressly declares necessary to be assented to forthwith by reason of some public and pressing emergency; and

(*c*) it shall not be necessary to reserve any Bill if the Governor declares that he withholds His Majesty's assent, or if he has previously received instructions from His Majesty to assent and does assent accordingly to the Bill.

(2) For the purposes of this section a Bill shall not be treated as a Bill altering the constitution of the Legislature of a State or of either House thereof by reason only that the Bill—

(*a*) creates, alters, or affects any province, district, or town, or division of a province, district, or town, which returns one or more members to either House of the Legislature; or

(*b*) fixes or alters the number of members to be elected for any such province, district, or town, or division of a province, district, or town; or

(*c*) increases or decreases the total number of elective members of either House of the Legislature; or

(*d*) concerns the election of the elective members of the Legislature, or either House thereof, or the qualifications of electors or elective members.

(3) Section thirty-three of the Australian Constitutions Act, 1842 (5 and 6 Vict. c. 76), shall apply to Bills reserved under this Act in like manner as it applies to Bills reserved under that Act with the substitution of references to a State forming part of the Commonwealth of Australia for references to the colony of New South Wales, and of references to both Houses of the Legislature of the State for references to the Legislative Council.

(4) So much of any Act of Parliament or Order in Council as requires any Bill passed by the Legislature of any such State to be reserved for the signification of His Majesty's pleasure thereon, or to be laid before the Houses of Parliament before His Majesty's pleasure is signified, and, in particular, the enactments mentioned in the Schedule to this Act, to the extent specified in the third column of that Schedule, shall be repealed both as originally enacted and as incorporated in or applied by any other Act of Parliament or any Order in Council or letters patent.

2. CONFIRMATION OF CERTAIN AUSTRALIAN ACTS.—(1) Any Act passed by the Legislature of any such State, and assented to in the name of His Majesty by the Governor and not disallowed by His Majesty before the passing of this Act, shall, notwithstanding that the Bill for the Act ought to have been but was not reserved for the signification of His Majesty's pleasure thereon, and notwithstanding that it ought to have been but was not duly laid before both Houses of Parliament, be deemed to be and to have been as from the date of that assent as valid as if the Bill had been so reserved and as if it had been laid before both Houses of Parliament, and as if His Majesty's assent to the Bill had been duly given and signified in the State at the date aforesaid.

(2) For the purposes of this section references to Acts passed by the Legislature of a State shall be construed as including references to Acts passed before the establishment of the Commonwealth of Australia by the Legislature of any colony which now forms part of that Commonwealth, and references to His Majesty shall be construed as including references to Her late Majesty.

3. SHORT TITLE.—This Act may be cited as the Australian States Constitution Act, 1907.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 and 6 Vict. c. 76.	The Australian Constitutions Act, 1842.	Section thirty-one, from "and all Bills altering" to the end of the section.
7 and 8 Vict. c. 74.	The Australian Constitutions Act, 1844.	Sections seven and eight.
13 and 14 Vict. c. 59.	The Australian Constitutions Act, 1850.	In section twelve, the words "and the reservation of Bills for the signification of Her Majesty's pleasure thereon, and the Bills so reserved." Section thirty-two, from "Provided always" to the end of the section. Section thirty-three.
18 and 19 Vict. c. 54.	The New South Wales Constitution Act, 1855.	In section three, the words "and the reservation of Bills for the signification of Her Majesty's pleasure thereon."
18 and 19 Vict. c. 55.	The Victoria Constitution Act, 1855.	In section three, the words "and the reservation of Bills for the signification of Her Majesty's pleasure thereon."
25 and 26 Vict. c. 11.	The Australian Constitutions Act, 1862.	Section two.
53 and 54 Vict. c. 26.	The Western Australia Constitution Act, 1890.	In section two, the words "and the reservation of Bills for the signification of Her Majesty's pleasure thereon."

CHAPTER VIII.

An Act to exempt from Assay Foreign Watch-Cases imported into the United Kingdom before the first day of June nineteen hundred and seven. [*2nd August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. FOREIGN WATCH-CASES IMPORTED BEFORE CERTAIN DATE EXEMPT FROM ASSAY.—(1) All watch-cases imported from foreign parts into the United Kingdom at any time before the first day of June nineteen hundred and seven shall be exempted from assay in the United Kingdom, and shall accordingly not be subject to the provisions of section fifty-nine of the Customs Act, 1842 (5 and 6 Vict. c. 47), or section ten of the Revenue Act, 1883 (46 and 47 Vict. c. 55); but, if on any proceedings a question arises whether any watch-case is exempted from assay under the provisions of this Act, it shall lie on the person alleging that the watch-case is exempted to prove that it is so exempted.

(2) Where any watch-case to which this Act applies is exported from and subsequently reimported into the United Kingdom, the exemption from assay conferred by this Act shall not be allowed unless the watch-case is identified in the prescribed manner at the prescribed assay office as a watch-case to which such exemption attaches.

In this provision "prescribed" means prescribed by regulations made for the purpose by the Commissioners of Customs, and the regulations so made may provide for the removal of any watch-case in respect of which exemption is claimed to the prescribed assay office and for the payment of fees.

2. SHORT TITLE.—This Act may be cited as the Assay of Imported Watch-Cases (Existing Stocks Exemption) Act, 1907.

CHAPTER IX.

TERRITORIAL AND RESERVE FORCES ACT, 1907.

[7 EDW. 7. CH. 9.]

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CHAPTER IX.

An Act to provide for the reorganisation of His Majesty's military forces, and for that purpose to authorise the establishment of County Associations, and the raising and maintenance of a Territorial Force, and for amending the Acts relating to the Reserve Forces. [*2nd August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

COUNTY ASSOCIATIONS.

1. ESTABLISHMENT OF ASSOCIATIONS.—(1) For the purposes of the reorganisation under this Act of His Majesty's military forces other than the regulars and their reserves, and of the administration of those forces when so reorganised, and for such other purposes as are mentioned in this Act, an association may be established for any county in the United Kingdom, with such powers and duties in connection with the purposes aforesaid as may be conferred on it by or under this Act.

(2) Associations shall be constituted, and the members thereof shall be appointed and hold office in accordance with schemes to be made by the Army Council.

(3) Every such scheme shall provide—

(*a*) For the date of the establishment of the association:

(*b*) For the incorporation of the association by an appropriate name, with power to hold land for the purposes of this Act without licence in mortmain:

(*c*) For constituting the lieutenant of the county, or failing him such other person as the Army Council may think fit, president of the association:

(*d*) For the appointment of such number of officers representative of all arms and branches of the Territorial Force raised under this Act within the county (not being less than one half of the whole number of the association) as may be specified in the scheme:

(*e*) For the appointment by the Army Council, where it appears desirable, and after consultation with, and on the recommendation of, the authorities to be represented, of representatives of county and county borough councils and universities wholly or partly within the county:

(*f*) For the appointment of such number of co-opted members as the scheme may prescribe, including, if thought desirable, representatives of the interests of employers and workmen:

(*g*) For the appointment by the Army Council during the first three years after the passing of this Act, and subsequently for the election of a chairman and vice-chairman by the association, and for defining their powers and duties:

(*h*) For the mode of appointment, term of office, and rotation of members of the association, and the filling of casual vacancies:

(*i*) For the appointment by the association, subject to the approval of the Army Council, of a secretary and other officers of the association, and the accountability of such officers, and for the provision of offices:

(*j*) For the procedure to be adopted, including the appointment of committees and the delegation to committees of any of the powers or duties of the association:

(*k*) For enabling such general officers of any part of His Majesty's forces, and not being members of the association, as may be specified in the scheme, or officers deputed by them, to attend the meetings of the association and to speak, but not to vote:

(*l*) For dividing the county, where on account of its size or population it seems desirable to do so, into two or more parts, and for constituting sub-associations for the several parts, and for apportioning amongst the several sub-associations all or any of the powers and duties of the association, and regulating the relations of sub-associations to the association and to one another.

(4) A scheme may contain any consequential, supplemental, or transitory provisions which may appear to be necessary or proper for the purposes of the scheme, and also as respects any matter for which provision may be made by regulations under this Act and for which it appears desirable to make special provision affecting the association established by the scheme.

(5) All schemes made in pursuance of this Part of this Act shall be laid before both Houses of Parliament.

(6) Until an Order in Council has been made under this Act for transferring to the Territorial Force the units of the Yeomanry and Volunteers of any county, references in this section to the Territorial Force shall as respects that county be construed as including references to the Yeomanry and Volunteers.

2. POWERS AND DUTIES OF ASSOCIATIONS. — (1) It shall be the duty of an association when constituted to make itself acquainted with and conform to the plan of the Army Council for the organisation of the Territorial Force within the county and to ascertain the military resources and capabilities of the county, and to render advice and assistance to the Army Council and to such officers as the Army Council may direct; and an association shall have, exercise, and discharge such powers and duties connected with the organisation and administration of His Majesty's military forces as may for the time being be transferred or assigned to it by order of His Majesty signified under the hand of a Secretary of State or, subject thereto, by regulations under this Act, but an association shall not have any powers of command or training over any part of His Majesty's military forces.

(2) The powers and duties so transferred or assigned may include any powers conferred on or vested in His Majesty, and any powers or duties conferred or imposed on the Army Council or a Secretary of State, by statute or otherwise, and in particular respecting the following matters:—

(*a*) The organisation of the units of the Territorial Force and their administration (including maintenance) at all times other than when they are called out for training or actual military service, or when embodied:

(*b*) The recruiting for the Territorial Force both in peace and in war, and defining the limits of recruiting areas;

(*c*) The provision and maintenance of rifle ranges, buildings, magazines, and sites of camps for the Territorial Force:

(*d*) Facilitating the provision of areas to be used for manœuvres:

(*e*) Arranging with employers of labour as to holidays for training, and ascertaining the times of training best suited to the circumstances of civil life:

(*f*) Establishing or assisting cadet battalions and corps and also rifle clubs, provided that no financial assistance out of money voted by Parliament shall be given by an association in respect of any person in a battalion or corps in a school in receipt of a parliamentary grant until such person has attained the age of sixteen:

(*g*) The provision of horses for the peace requirements of the Territorial Force:

(*h*) Providing accommodation for the safe custody of arms and equipment:

(*i*) The supply of the requirements on mobilisation of the units of the Territorial Force within the county, in so far as those requirements are directed by the Army Council to be met locally, such requirements where practicable to be embodied in regulations which shall be issued to county associations from time to time, and on the first occasion not later than the first day of January one thousand nine hundred and nine:

(*j*) The payment of separation and other allowances to the families of men of the Territorial Force when embodied or called out on actual military service:

(*k*) The registration in conjunction with the military authorities of horses for any of His Majesty's forces:

(*l*) The care of reservists and discharged soldiers.

3. Expenses of Association.—(1) The Army Council shall pay to an association, out of money voted by Parliament for army services, such sums as, in the opinion of the Army Council, are required to meet the necessary expenditure connected with the exercise and discharge by the association of its powers and duties.

(2) An association shall submit to the Army Council annually, at the prescribed time, and may submit at any other time for any special purpose, in the prescribed form and manner, a statement of its necessary requirements, and all payments to an association by the Army Council shall be made upon the basis of such statements in so far as they are approved by the Army Council.

(3) Subject to regulations under this Act, all money so paid to an association shall be applicable to any of the purposes specified in the approved statements in accordance with which the money has been granted, but not otherwise except with the written consent of the Army Council:

Provided that nothing in this section shall be construed as enabling the Army Council to give their consent to the application of money to any purpose to which, apart from this section, it could not lawfully be applied, or to give their consent, without the authority of the Treasury, in any case in which, apart from this section, the authority of the Treasury would be required.

(4) All other money received by an association (except such money, if any, as may be received by it for specified purposes) shall be available for the purposes of any of its powers and duties.

(5) An association shall cause its accounts to be made up annually and audited in such manner as may be prescribed, and shall send copies of its accounts as audited, together with any report of the auditors thereon, to the Army Council.

(6) Regulations made for the purposes of this section shall be subject to the consent of the Treasury.

(7) The members of an association shall not be under any pecuniary liability for any act done by them in their capacity as members of such association in carrying out the provisions of this Act.

4. Regulations.—(1) Subject to the provisions of this Act, the Army Council may make regulations for carrying this Part of this Act into effect, and may by those regulations, amongst other things, provide for the following matters:—

(*a*) For regulating the manner in which powers are to be exercised and duties performed by associations, and for specifying the services to which money paid by the Army Council is to be applicable:

(*b*) For authorising and regulating the acquisition by or on behalf of an association of land for the purposes of this Act and the disposal of any land so acquired:

(*c*) For authorising and regulating the borrowing of money by an association:

(*d*) For authorising the acceptance of any money or other property, and the taking

over of any liability, by an association, and for regulating the administration of any money or property so acquired and the discharge of any liability so taken over :

(*e*) For facilitating the co-operation of an association with any other association, or with any local authority or other body, and for providing by the constitution of joint committees or otherwise for co-operative action in the organisation and administration of divisions, brigades, and other military bodies, and for the provision of assistance by one association to another :

(*f*) For affiliating cadet corps and battalions, rifle clubs, and other bodies to the Territorial Force or any part thereof :

(*g*) For or in respect of anything by this Part of this Act directed or authorised to be done or provided by regulations or to be done in the prescribed manner :

(*h*) For the application for the purposes of this Part of this Act, as respects any matters to be dealt with by regulations, of any provision in any Act of Parliament dealing with the like matters, with the necessary modifications or adaptations, and in particular of any provisions as to the acquisition of land by or on behalf of volunteer corps.

(2) All regulations made in pursuance of this Part of this Act shall be applicable to all associations, except in so far as may be otherwise provided by the regulations or by any scheme made under this Part of this Act.

(3) All regulations made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

5. JOINT COMMITTEES OF ASSOCIATIONS.—(1) Any county associations may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.

(2) Any association appointing a joint committee under this subsection may delegate to it any power which such association might exercise for the purpose for which the committee is appointed.

(3) Subject to the terms of delegation any such joint committee shall in respect of any matter delegated to it have the same power in all respects as the associations appointing it.

(4) The costs of a joint committee shall be defrayed by the associations by whom it has been appointed, in such proportion as may be agreed between them, and the accounts of such joint committees and their officers shall for the purposes of the provisions of this Act be deemed to be accounts of the associations appointing them and of their officers.

PART II.

TERRITORIAL FORCE.

Raising and Maintenance of Force.

6. RAISING AND NUMBER OF TERRITORIAL FORCE.—It shall be lawful for His Majesty to raise and maintain a force, to be called the "Territorial Force," consisting of such number of men as may from time to time be provided by Parliament.

Government, Discipline, and Pay.

7. GOVERNMENT, DISCIPLINE, AND PAY OF TERRITORIAL FORCE.—(1) Subject to the provisions of this Part of this Act, it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to the government, discipline, and pay and allowances of the Territorial Force, and with respect to all other matters and things relating to the Territorial Force, including any matter by this Part of this Act authorised to be prescribed or expressed to be subject to orders or regulations.

(2) The said orders may provide for the formation of men of the Territorial Force into regiments, battalions, or other military bodies, and for the formation of such regiments, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching

men of the Territorial Force to corps, and for posting, attaching, or otherwise dealing with such men within the corps; and may provide for the constitution of a permanent staff, including adjutants and staff sergeants who shall, except in special circumstances certified by the general officer commanding, be members of His Majesty's regular forces; and may regulate the appointment, rank, duties, and numbers of the officers and non-commissioned officers of the Territorial Force.

(3) Subject to the provisions of any such order, the Army Council may make general or special regulations with respect to any matter with respect to which His Majesty may make orders under this section.

(4) Provided that the said orders or regulations shall not—

(*a*) affect or extend the term for which, or the area within which, a man of the Territorial Force is liable under this Part of this Act to serve; or

(*b*) authorise a man of the Territorial Force when belonging to one corps to be transferred without his consent to another corps; or

(*c*) when the corps of a man of the Territorial Force includes more than one unit, authorise him when not embodied to be posted, without his consent, to any unit other than that to which he was posted on enlistment; or

(*d*) when the corps of a man of the Territorial Force includes any battalion or other body of the regular forces, authorise him to be posted without his consent to that battalion or body.

(5) Where a man of the Territorial Force was enlisted or re-engaged before the date of any order or regulation under this Part of this Act, nothing in such order or regulation shall render him liable without his consent to be appointed, transferred, or attached to any military body to which he could not without his consent have been appointed, transferred, or attached if the said order or regulation had not been made.

(6) Orders and regulations under this section may provide for the formation of a reserve division of the Territorial Force, and may relax or dispense with any of the provisions of this Act relating to the training of the men of the Territorial Force so far as regards their application to men in the reserve division, and may, notwithstanding anything in this section, authorise a man in the reserve division to be transferred from one corps to another, so, however, that a man in the reserve division shall not, without his consent, be transferred to a corps of another arm.

(7) All orders and general regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

8. First Appointments to Lowest Rank of Officers of the Territorial Force.—Subject to any directions which may be given by His Majesty, first appointments to the lowest rank of officer in any unit of the Territorial Force shall be given to persons recommended by the president of the association for the county, if a person approved by His Majesty is recommended by the president for any such appointment within thirty days after notice of a vacancy for the appointment has been given to the president in the prescribed manner, provided he fulfils all the prescribed conditions as to age, physical fitness, and educational qualifications; and, where a unit comprises men of the Territorial Force of two or more counties, the recommendations for such appointments shall be made by the presidents of the associations for the respective counties in such rotation or otherwise as may be prescribed.

Enlistment, Service, Discharge.

9. Enlistment, Term of Service, and Discharge.—(1) Subject to the provisions of this Part of this Act, all men of the Territorial Force shall be enlisted by such persons and in such manner and subject to such regulations as may be prescribed:

Provided that every man enlisted under this Part of this Act—

(*a*) Shall be enlisted for a county for which an association has been established under this Act and shall be appointed to serve in such corps for that county or for an area comprising the whole or part of that county as he may select, and, if that corps comprises more than one unit within the county, shall be posted to such one of those units as he may select:

(*b*) Shall be enlisted to serve for such a period as may be prescribed, not exceeding four years, reckoned from the date of his attestation:

(*c*) May be re-engaged within twelve months before the end of his current term of service for such a period as may be prescribed not exceeding four years from the end of that term, and on re-engagement shall make the prescribed declaration before a justice of the peace or an officer, and so from time to time.

(2) A man enlisted in the Territorial Force, until duly discharged in the prescribed manner, shall remain subject to this Part of this Act as a man of the Territorial Force.

(3) Any man of the Territorial Force shall, except when a proclamation ordering the Army Reserve to be called out on permanent service is in force, be entitled to be discharged before the end of his current term of service on complying with the following conditions:—

(i) Giving to his commanding officer three months' notice in writing, or such less notice as may be prescribed, of his desire to be discharged; and

(ii) Paying for the use of the association for the county for which he was enlisted such sum as may be prescribed not exceeding five pounds; and

(iii) Delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property, issued to him, or, in cases where for any good and sufficient cause the delivery of the property aforesaid is impossible, on paying the value thereof:

Provided that it shall be lawful for the association for the county, or for any officer authorised by the association, in any case in which it appears that the reasons for which the discharge is claimed are of sufficient urgency or weight, to dispense either wholly or in part with all or any of the above conditions.

(4) A man of the Territorial Force may be discharged by his commanding officer for disobedience to orders by him while doing any military duty, or for neglect of duty, or for misconduct by him as a man of the Territorial Force, or for other sufficient cause, the existence and sufficiency of such cause to be judged of by the commanding officer:

Provided that any man so discharged shall be entitled to appeal to the Army Council, who may give such directions in any such case as they may think just and proper.

(5) Where the time at which a man of the Territorial Force would otherwise be entitled to be discharged occurs while a proclamation ordering the Army Reserve to be called out on permanent service is in force, he may be required to prolong his service for such further period, not exceeding twelve months, as the competent military authority may order.

10. APPLICATION OF CERTAIN SECTIONS OF THE ARMY ACT, 44 AND 45 VICT. C. 58.—(1) The following sections of the Army Act shall apply to the Territorial Force (that is to say):—

Section eighty (relating to the mode of enlistment and attestation);

Section ninety-six (relating to the claims of masters to apprentices);

Section ninety-eight (imposing a fine for unlawful recruiting);

Section ninety-nine (making recruits punishable for false answers);

So much of section one hnndred as relates to the validity of attestation and enlistment or re-engagement;

Section one hundred and one (relating to the competent military authority); and

So much of section one hundred and sixty-three as relates to an attestation paper, or a copy thereof, or a declaration, being evidence.

And the said sections shall apply in like manner as if they were herein re-enacted, with the substitution—

(*a*) Of "Territorial Force" for "regular forces," and of "man of the Territorial Force" for "soldier"; and

(*b*) (In section one hundred) of "has not within three months claimed his discharge "on any ground on which he is entitled under this subsection to do so" for "has received pay as a soldier of the regular forces during three months."

(2) A recruit may be attested by any lieutenant or deputy-lieutenant of any county in the United Kingdom, or by an officer of the regular or Territorial forces, and the sections of the Army Act in this section mentioned, and also section thirty-

three of the same Act, shall as applied to the Territorial Force be construed as if a justice of the peace in those sections included such lieutenant, deputy lieutenant, or officer.

11. Enlistment of Men Discharged with Disgrace from Army or Navy, or Contrary to Rules.—(1) If a person—

(*a*) Having been discharged with disgrace from any part of His Majesty's forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the Territorial Force without declaring the circumstances of his discharge or dismissal; or

(*b*) Is concerned when subject to military law in the enlistment for service in the Territorial Force of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against the Army Act or this Act; or

(*c*) Wilfully contravenes when subject to military law any enactments, orders, or regulations which relate to the enlistment or attestation of men in the Territorial Force,

he shall be guilty of an offence, and shall, whether otherwise subject to military law or not, be liable to be tried by court martial, and on conviction to suffer such punishment as is imposed for the like offence by section thirty-two or thirty-four of the Army Act, as the case may be, and may be taken into military custody.

(2) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged for misconduct, or discharged on account of a conviction for felony or a sentence of penal servitude.

12. Enlistment into Army Reserve.—If a man of the Territorial Force enlists into the army reserve without being discharged from the Territorial Force, the terms and conditions of his service whilst he remains in the army reserve shall be those applicable to him as a man belonging to the army reserve, and not those applicable to him as a man of the Territorial Force.

13. Area of Service of Territorial Force.—(1) Any part of the Territorial Force shall be liable to serve in any part of the United Kingdom, but no part of the Territorial Force shall be carried or ordered to go out of the United Kingdom.

(2) Provided that it shall be lawful for His Majesty, if he thinks fit, to accept the offer of any part or men of the Territorial Force, signified through their commanding officer, to subject themselves to the liability—

(*a*) to serve in any place outside the United Kingdom; or

(*b*) to be called out for actual military service for purposes of defence at such places in the United Kingdom as may be specified in their agreement, whether the Territorial Force is embodied or not;

and, upon any such offer being accepted, they shall be liable, whenever required during the period to which the offer extends, to serve or be called out accordingly.

(3) A person shall not be compelled to make such an offer, or be subjected to such liability as aforesaid, except by his own consent, and a commanding officer shall not certify any voluntary offer previously to his having explained to every person making the offer that the offer is to be purely voluntary on his part.

Training.

14. Preliminary Training of Recruits of Territorial Force.—(1) Every man of the Territorial Force shall, by way of preliminary training, during the first year of his original enlistment—

(*a*) If so provided by Order in Council, be trained at such places within the United Kingdom, at such times, and for such periods, not exceeding in the whole the number of days specified by the Order in Council, as may be prescribed, and may for that purpose be called out once or oftener; and

(*b*) Whether such an Order in Council has been made or not, attend the number of drills and fulfil the other conditions prescribed for a recruit of his arm or branch of the service.

(2) The requirement to attend training and drills, and to fulfil conditions under

this section, shall be in addition to the requirement to attend training and drills and to fulfil conditions for the purpose of annual training.

15. ANNUAL TRAINING.—(1) Subject to the provisions of this section, every man of the Territorial Force shall, by way of annual training—

(*a*) Be trained for not less than eight nor more than fifteen, or in the case of the mounted branch eighteen, days in every year at such times and at such places in any part of the United Kingdom as may be prescribed, and may for that purpose be called out once or oftener in every year:

(*b*) Attend the number of drills and fulfil the other conditions relating to training prescribed for his arm or branch of the service:

Provided that the requirements of this section may be dispensed with in whole or in part—

(i) as respects any unit, by the prescribed general officer; and

(ii) as respects an individual man, by his commanding officer subject to any general directions by the prescribed general officer.

(2) His Majesty in Council may—

(*a*) Order that the period of annual training in any year of all or any part of the Territorial Force be extended, but so that the whole period of annual training be not more than thirty days in any year; or

(*b*) Order that the period of annual training in any year of all or any part of the Territorial Force be reduced to such time as to His Majesty may seem fit; or

(*c*) Order that in any year the annual training of all or any part of the Territorial Force be dispensed with.

(3) Nothing in this section shall be construed as preventing a man, with his own consent, in addition to annual training, being called up for the purpose of duty or instruction in accordance with orders and regulations under this Part of this Act.

16. LAYING OF DRAFT ORDERS IN COUNCIL RELATING TO TRAINING BEFORE PARLIAMENT.—Before any Order in Council is made under this Act providing for preliminary training or extending the period of annual training the draft thereof shall be laid before each House of Parliament for a period of not less than forty days during the Session of Parliament, and if either of those Houses before the expiration of those forty days presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken, without prejudice to the making of a new draft Order.

Embodiment.

17. EMBODIMENT OF TERRITORIAL FORCE.—(1) Immediately upon and by virtue of the issue of a proclamation ordering the Army Reserve to be called out on permanent service, it shall be lawful for His Majesty to order the Army Council from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for embodying all or any part of the Territorial Force, and in particular to make such special arrangements as they think proper with regard to units or individuals whose services may be required in other than a military capacity:

Provided that, where under any such proclamation directions have been issued for calling out all the men belonging to the first class of the Army Reserve, the Army Council shall, within one month after such directions have been issued, issue directions for embodying all the men belonging to the Territorial Force, unless an address has been presented to His Majesty by both Houses of Parliament praying that such directions as last aforesaid be not issued, and such directions shall not, unless the emergency so requires, be given until Parliament has had an opportunity of presenting such an address.

(2) Whenever, in consequence of the calling out of the whole of the first class of the Army Reserve, directions are required under this section to be given for embodying the Territorial Force, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

(3) Every order and all directions given under this section shall be obeyed as if enacted in this Act, and, where such directions for the time being direct the embodiment of any part of the Territorial Force, every officer and man belonging to that part shall attend at the place and time fixed by those directions, and after that time shall be deemed to be embodied, and such officers and men are in this Act referred to as embodied or as the embodied part or parts of the Territorial Force.

18. Disembodying of Territorial Force.—(1) It shall be lawful for His Majesty by proclamation to order that the Territorial Force be disembodied, and thereupon the Army Council shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(2) Until any such proclamation of His Majesty has been issued the Army Council may from time to time, as they may think expedient for the public service, give such directions as may seem necessary or proper for disembodying any embodied part of the Territorial Force, and for embodying any part of the Territorial Force not embodied, whether previously disembodied or otherwise.

(3) After the date fixed by the directions for the disembodiment of any part of the Territorial Force, the officers and men belonging to that part shall be in the position of officers and men of the Territorial Force not embodied.

Notices.

19. Service and Publication of Notices.—Notices required in pursuance of this Part of this Act or of the orders and regulations in force thereunder to be given to men of the Territorial Force shall be served or published in such manner as may be prescribed, and, if so served or published, shall be deemed to be sufficient notice, and every constable and overseer shall, when so required by or on behalf of the Army Council, conform with the orders and regulations for the time being in force under this Part of this Act with respect to the publication and service of notices, and in default shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

Offences.

20. Punishment for Failure to Attend on Embodiment.—(1) Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for assembling on embodiment, shall be guilty, according to the circumstances, of deserting within the meaning of section twelve, or of absenting himself without leave within the meaning of section fifteen, of the Army Act, and shall, whether otherwise subject to military law or not, be liable to be tried by court-martial, and convicted and punished accordingly, and may be taken into military custody.

(2) Sections one hundred and fifty-three and one hundred and fifty-four of the Army Act shall apply with respect to deserters and desertion within the meaning of this section in like manner as they apply with respect to deserters and desertion within the meaning of those sections, and any person who, knowing any man of the Territorial Force to be a deserter within the meaning of this section or of the Army Act, employs or continues to employ him, shall be deemed to aid him in concealing himself within the meaning of the first-mentioned section.

(3) Where a man of the Territorial Force commits the offence of desertion under this section the time which elapsed between the time of his committing the offence and the time of his apprehension or voluntary surrender shall not be taken into account in reckoning his service for the purpose of discharge.

21. Punishment for Failure to Fulfil Training Conditions.—Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for preliminary training, or for annual training, or fails to attend the number of drills and fulfil the other conditions relating to preliminary or

annual training prescribed for his arm or branch of the service, shall be liable to forfeit to His Majesty a sum of money not exceeding five pounds recoverable on complaint to a court of summary jurisdiction by the prescribed officer, and any sums recovered by such officer shall be accounted for by him in the prescribed manner.

22. WRONGFUL SALE, &c. OF PUBLIC PROPERTY.—If any person designedly makes away with, sells, or pawns, or wrongfully destroys or damages, or negligently loses anything issued to him as an officer or man of the Territorial Force, or wrongfully refuses or neglects to deliver up on demand anything issued to him as an officer or man of the Territorial Force, the value thereof shall be recoverable from him on complaint to a court of summary jurisdiction by the county association; and he shall also, for any such offence of designedly making away with, selling or pawning, or wrongfully destroying as aforesaid, be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

Civil Rights and Exemptions.

23. CIVIL RIGHTS AND EXEMPTIONS.—(1) The acceptance of a commission as an officer of the Territorial Force shall not vacate the seat of any member returned to serve in Parliament.

(2) An officer or man of the Territorial Force shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a member to serve in Parliament, or during the time he is going to or returning from such voting.

(3) If a sheriff is an officer of the Territorial Force, then during embodiment he shall be discharged from personally performing the office of sheriff, and the under sheriff shall be answerable for the execution of the said office in the name of the high sheriff; and the security given by the under sheriff and his pledges to the high sheriff shall stand as a security to the King and to all persons whomsoever for the due performance of the office of sheriff during such time.

(4) An officer or man of the Territorial Force shall not be compelled to serve as a peace officer or parish officer, and shall be exempt from serving on any jury, and a field officer of the Territorial Army shall not be required to serve in the office of high sheriff.

Legal Proceedings.

24. TRIAL OF OFFENCES AND APPLICATION OF PENALTIES.—(1) Any offence under this Part of this Act, and any offence under the Army Act if committed by a man of the Territorial Force when not embodied, which is cognizable by a court-martial shall also be cognizable by a court of summary jurisdiction, and on conviction by such a court shall be punishable with imprisonment for a term not exceeding three months or with a fine not exceeding twenty pounds, or with both such imprisonment and fine, but nothing in this provision shall affect the liability of a person charged with any such offence to be taken into military custody.

(2) Any offence which under this Part of this Act is punishable on conviction by court-martial, shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by his commanding officer, be deemed to be an offence under the Army Act, with this modification, that any reference in that Act to forfeiture and stoppages shall be construed to refer to such forfeitures and stoppages as may be prescribed.

(3) Any offence which under this Part of this Act is punishable on conviction by a court of summary jurisdiction may be prosecuted, and any fine recoverable on such conviction may be recovered, in manner provided by sections one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight of the Army Act, in like manner as if those sections were herein re-enacted and in terms made applicable to this Part of this Act, subject to the following modification (namely)—

Every fine imposed under this Part of this Act on a man of the Territorial Force, or recovered on a prosecution instituted under this Part of this Act, shall, notwithstanding anything in any Act or charter or in the said sections to the contrary, be paid to the association of the county for which the man was enlisted.

(4) Where a man of the Territorial Force is subject to military law and is illegally absent from his duty, a court of inquiry under section seventy-two of the Army Act may be assembled after the expiration of twenty-one days from the date of such absence, notwithstanding that the period during which he was subject to military law is less than twenty-one days or has expired before the expiration of twenty-one days.

25. Supplemental Provisions as to Trial of Offences.—(1) A person charged with an offence which under this Part of this Act is cognizable both by a court-martial and by a court of summary jurisdiction shall not be liable to be tried both by a court-martial and by a court of summary jurisdiction, but may be tried by either of them, as may be prescribed :

Provided that a man who has been dealt with summarily by his commanding officer shall be deemed to have been tried by court-martial.

(2) Proceedings against an offender before either a court-martial or his commanding officer, or a court of summary jurisdiction, in respect of an offence punishable under this Part of this Act, and alleged to have been committed by him when a man of the Territorial Force, may be instituted whether the term of his service in the Territorial Force has or has not expired, and may, notwithstanding anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to his commanding officer if the alleged offender is then apprehended, or, if he is not then apprehended, then within two months after the time at which he is apprehended.

(3) Where an offender has on several occasions been guilty of desertion, fraudulent enlistment, or making a false answer, he may for the purposes of any proceedings against him be deemed to belong to any one or more of the corps to which he has been appointed or transferred as well as to the corps to which he properly belongs, and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, whether they are offences within the meaning of the Army Act or offences within the meaning of this Part of this Act, and to give evidence of such offences against him, and, if he has been convicted of more than one offence, to punish him accordingly as if he had been previously convicted of any such offence.

26. Evidence.—(1) Section one hundred and sixty-four of the Army Act (which relates to evidence of the civil conviction or acquittal of a person subject to military law) shall apply to a man of the Territorial Force who is tried by a civil court, whether he is or is not at the time of such trial subject to military law.

(2) Section one hundred and sixty-three of the Army Act (relating to evidence) shall apply to all proceedings under this Part of this Act.

Miscellaneous..

27. Exercise of Powers Vested in Holder of Military Office.—(1) Any power or jurisdiction given to, and act or thing to be done by, to, or before any person holding any military office may, in relation to the Territorial Force, be exercised by or done by, to, or before any other person for the time being authorised in that behalf, according to the custom of the Service.

(2) Where by this Part of this Act, or by any order or regulation in force under this Part of this Act, any order is authorised to be made by any military authority, such order may be signified by an order, instruction, or letter under the hand of any officer authorised to issue orders on behalf of such military authority, and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorised shall be evidence of his being so authorised.

28. Application of Enactments.—(1) The Army Act shall apply to the

Territorial Force and officers and men thereof in like manner as it applies to the Militia, and officers and men of the Militia, except that men of the Territorial Force shall, in addition, be subject to military law when called out on actual military service for purposes of defence, and shall be liable to dismissal as a punishment, and for that purpose the amendments contained in the First Schedule to this Act shall be made in the Army Act.

(2) For the purpose of section one hundred and forty-three of the Army Act and of all other enactments relating to such duties, tolls, and ferries as are in that section mentioned, officers and men belonging to the Territorial Force, when going to or returning from any place at which they are required to attend, and for non-attendance at which they are liable to be punished, shall be deemed to be officers and soldiers of the regular forces on duty.

(3) His Majesty may by Order in Council apply, with the necessary adaptations, to the Territorial Force or the officers or men belonging to that force any enactment relating to the Militia, Yeomanry, or Volunteers, or officers or men of the Militia, Yeomanry, or Volunteers, other than enactments with respect to the raising, service, pay, discipline, or government of the Militia, Yeomanry, or Volunteers, and every such Order in Council shall be laid before both Houses of Parliament.

Transitory.

29. TRANSITORY PROVISIONS.—(1) Where an association has been established under this Act for any county His Majesty may by Order in Council transfer to the Territorial Force such units of the Yeomanry and Volunteers or part thereof raised in the county as may be specified in the Order, and every such unit or part thereof shall from the date mentioned in the Order be deemed to have been lawfully formed under this Part of this Act as an unit of the Territorial Force as provided by the Order, and the provisions of this Part of this Act shall apply to it accordingly.

(2) Every officer and man of an unit or part thereof mentioned in any such Order shall, from the date mentioned in that Order, be deemed to be an officer or man of the Territorial Force. Provided that nothing in this section or in any Order made thereunder shall, without his consent, affect the conditions or area of service of any person commissioned, enlisted, or enrolled before the passing of this Act.

(3) An Order in Council under this section may provide—

(*a*) For the application to officers and men who become subject thereto of the provisions of this Act as to conditions and area of service, and for the continuance of the application to officers and men who remain subject thereto of the provisions as to conditions and area of service previously in force as respects those officers and men:

(*b*) For transferring to the association any property vested in a Secretary of State for the purposes of any unit to which the Order relates:

(*c*) For transferring to the association any property belonging to or held for the benefit of any such unit so however that all property so transferred shall as from the date of the transfer be held by the association for the benefit in like manner of the corresponding unit of the Territorial Force or for such other purposes as the association, with the consent of such corresponding unit, to be ascertained in the prescribed manner, shall direct; and any question which may arise as to whether any property is transferred to an association, or as to the trusts or purposes upon or for which it is or ought to be held, shall be referred for the decision of a Secretary of State, whose decision shall be final. The corresponding unit of the Territorial Force shall, in the event of any such transfer, become entitled, notwithstanding the terms of any trust, limitation, or condition affecting the property so transferred to the estate or interest in such property of the unit to the property of which the order relates; but, subject to this provision, the interest of any beneficiary other than such unit shall not, without the consent of such beneficiary, be affected. The

Order may, if it be deemed proper, having regard to the special circumstances of any case, provide for the appointment of special trustees to act together with or to the exclusion of the association in regard to any such property, and such special trustees may be the existing trustees of such property:

(*d*) For transferring to the association any liabilities of any such unit which the association is willing to assume, and providing for the discharge of any such liabilities which are not so transferred:

(*e*) For transferring to the association any land or interest in land acquired by the council of a county or borough on behalf of any volunteer corps to which the Order relates, and any outstanding liabilities of the council incurred in respect thereof, if the council and the association consent:

and may contain such supplemental, consequential, and incidental provisions as may appear necessary or proper for the purposes of the Order.

(4) Every Order in Council made under this section shall be laid before both Houses of Parliament.

Part III.

Reserve Forces.

30. Enlistment and Terms of Service of Special Reservists.—(1) The power of enlisting men into the first class of the army reserve under the Reserve Forces Act, 1882 (45 and 46 Vict. c. 48), shall extend to the enlistment of men who have not served in His Majesty's regular forces, and men so enlisted who have not served in the regular forces are in this Part of this Act referred to as special reservists, and a special reservist may be re-engaged, and when re-engaged shall continue subject to the terms of service applicable to special reservists.

(2) A special reservist may, in addition to being called out for annual training, be called out for a special course or special courses of training at such place or places within the United Kingdom at such time or times and for such period or periods, not exceeding in the whole six months, as may be prescribed, in like manner and subject to the like conditions as he may be called out for annual training, and may during any such course be attached to or trained with any body of His Majesty's forces.

(3) Notwithstanding the provisions of section eleven of the Reserve Forces Act, 1882, any special reservists may be called out for annual training for such period or periods as may be prescribed by any order or regulations under the Reserve Forces Act, 1882.

(4) Provided that where one of the conditions on which a man was enlisted or re-engaged is that he shall not be called out for training, whether special or annual, for a longer period than the period specified in his attestation paper, he shall not be liable under this section to be called out for any longer period.

(5) Where a proclamation ordering the army reserve to be called out on permanent service has been issued, it shall be lawful for His Majesty at any time thereafter by proclamation to order that all special reservists shall cease to be so called out, and thereupon a Secretary of State shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(6) A special reservist who enlists into the regular forces shall upon such enlistment be deemed to be discharged from the army reserve.

31. Agreements as to Extension of Service.—A Secretary of State may, by regulations under the Reserve Forces Act, 1882, authorise any special reservist having the qualifications prescribed by those regulations to agree in writing that, if the time when he would otherwise be entitled to be discharged occurs whilst he is called out on permanent service, he will continue to serve until the expiration of a period, whether definite or indefinite, specified in the agreement; and if any man who enters into such an agreement is so called out, he shall be liable to be detained in service

for the period specified in his agreement in the same manner in all respects as if his term of service were still unexpired.

32. LIABILITY OF RESERVISTS TO BE CALLED OUT.—(1) A special reservist shall, if he so agrees in writing, be liable during the whole of his service in the army reserve, or during such part of that service as he so agrees, to be called out on permanent service without such proclamation or communication to Parliament as is mentioned in section twelve of the Reserve Forces Act, 1882, and the calling out of men under this section shall not involve the meeting of Parliament as required by section thirteen of that Act:

Provided that—

(*a*) The number of men so liable shall not at any one time exceed four thousand:

(*b*) The power of calling out of men under this section shall not be exercised except when they are required for service outside the United Kingdom when warlike operations are in preparation or in progress:

(*c*) Any agreement under this section may provide for the revocation thereof by such notice in writing as may be therein stated:

(*d*) Any exercise of the power of calling out men under this section shall be reported to Parliament as soon as may be:

(*e*) The number of men for the time being called out under this section shall not be reckoned in the number of the forces authorised by the Annual Army Act for the time being in force.

(2) Six thousand shall be substituted for five thousand as the maximum number of men liable to be called out under section one of the Reserve Forces and Militia Act, 1898 (61 and 62 Vict. c. 9), and the liability to be called out under that section may, if so agreed, extend to the first two years of a man's service in the first class of the army reserve.

(3) In paragraph (5) of section one hundred and seventy-six of the Army Act the words "under His Majesty's proclamation" shall be repealed.

33. POWER TO FORM BATTALIONS, &C. OF RESERVISTS.—Orders and regulations under the Reserve Forces Act, 1882, may provide for the formation of special reservists into regiments, battalions, or other military bodies, and for the formation of such regiments, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching special reservists to such corps, and for posting, attaching, or otherwise dealing with special reservists within such corps.

34. TRANSFER OF MILITIA BATTALIONS TO RESERVE.—(1) His Majesty may by Order in Council transfer to the Army Reserve such battalions of the Militia as may be specified in the Order, and every battalion so transferred shall from the date mentioned in the Order be deemed to have been lawfully formed under this Part of this Act as a battalion of special reservists.

(2) As from the said date every officer of any battalion so transferred shall be deemed to be an officer in the reserve of officers, and every man in such battalion shall be deemed to be a special reservist, and the Order may contain such provisions as may seem necessary for applying the provisions of the Reserve Forces Acts, 1882 to 1906, as amended by this Act, to those officers and men:

Provided that, unless any officer or man in any battalion so transferred indicates his assent to such transfer certified by his commanding officer, nothing in the Order shall effect his existing conditions of service.

(3) All Orders in Council made under this section shall be laid before both Houses of Parliament.

35. AMENDMENT OF 45 AND 46 VICT. C. 48, S. 6 (4).—Subsection (4) of section six of the Reserve Forces Act, 1882, which makes a certificate purporting to be signed by an officer appointed to pay men belonging to the army reserve evidence in certain cases, shall, where a person other than an officer is appointed to pay men belonging to the army reserve, apply to certificates purporting to be signed by such person.

36. COMMISSIONS IN RESERVE OF OFFICERS NOT TO VACATE SEAT IN PARLIAMENT.—The acceptance of a commission as an officer in the reserve of officers shall not vacate the seat of any member returned to serve in Parliament.

Part IV.

Supplemental.

37. Provisions as to Orders, Schemes, and Regulations.—(1) Every Order in Council or scheme required by this Act to be laid before each House of Parliament shall be so laid within forty days next after it is made, if Parliament is then sitting, or, if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to His Majesty by either House of Parliament within the next subsequent forty days, praying that any such order or scheme may be annulled, His Majesty may thereupon by Order in Council annul the same, and the order or scheme so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(2) All Orders in Council, orders, schemes, and regulations made under this Act, may be varied or revoked by subsequent Orders in Council, orders, schemes, and regulations made in the like manner and subject to the like conditions.

38. Definitions.—In this Act, unless the context otherwise requires,—

The expression "county" means a county or riding of a county for which a lieutenant is appointed, and includes the City of London; and each county of a city or county of a town mentioned in the first column of the Second Schedule to this Act shall be deemed to form part of the county set opposite thereto in the second column of that schedule;

The expression "man of the Territorial Force" includes a non-commissioned officer;

The expression "prescribed" means prescribed by orders or regulations;

Other expressions have the same meaning as in the Army Act.

39. Special Provisions as to Special Places.—(1) The Lord Warden of the Cinque Ports may ex officio be a member of the association of the county of Kent or of the county of Sussex, or of both, as may be provided by schemes under this Act.

(2) The Warden of the Stannaries may ex officio be a member of the association of the county of Cornwall or of the county of Devon, or of both, as may be provided by schemes under this Act.

(3) The Lord Mayor of the City of London shall ex officio be president of the association of the City of London.

(4) The Governor or Deputy Governor of the Isle of Wight shall ex officio be a member of the association of the county of Southampton.

(5) Nothing in this Act shall affect the raising and levying of the Trophy Tax as heretofore in the City of London, but the proceeds of the Tax so levied may be applied by His Majesty's Commissioners of Lieutenancy for the City of London, if the Royal London Militia Battalion is reconstituted as a battalion of the Army Reserve, for any purposes connected with that battalion, and may also, if His Majesty's Commissioners of Lieutenancy for the City of London in their discretion see fit, be applied for the purposes of any of the powers and duties of the association of the City of London under this Act.

40. Application to Scotland and the Isle of Man.—(1) In the application of this Act to Scotland the following modifications shall be made:—

(*a*) This Act shall apply to a county of a city in like manner as to any other county: Provided that on the representation or with the consent of the corporation of any county of a city it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, at any time after the passing of this Act, to declare that such county of a city shall for the purposes of this Act be deemed to form part of the county set opposite thereto in the second column of the Third Schedule to this Act, and to provide for all matters which may appear necessary or proper for giving full effect to the order;

(*b*) The expression "county borough council" means the town council of a royal, parliamentary, or police burgh with a population of or exceeding twenty thousand according to the census for the time being last taken;

(*c*) The expression "land" includes heritages;

(*d*) The expression "overseer" means an inspector of poor.

(2) This Act shall apply to the Isle of Man as if it formed part of, and were included in the expression, the United Kingdom, subject to the following modifications:—

(*a*) The Isle of Man shall be deemed to be a separate county;

(*b*) References to the Governor of the Island shall be substituted for references to the lieutenant of a county;

(*c*) References to a High Bailiff or two justices of the peace and to conviction by such a Bailiff or justices shall be substituted for references to a court of summary jurisdiction and to conviction under the Summary Jurisdiction Acts;

(*d*) References to the Tynwald Court shall be substituted for references to Parliament in the section of this Act relating to civil rights and exemptions.

41. SHORT TITLE.—This Act may be cited as the Territorial and Reserve Forces Act, 1907, and so far as it relates to the reserve forces may be cited with the Reserve Forces Acts, 1882 to 1906, as the Reserve Forces Acts, 1882 to 1907.

SCHEDULES.

FIRST SCHEDULE.

AMENDMENT OF ARMY ACT (s. 28).

Section.	Amendment.
S. 13 (1) (*a*) and (*b*) . .	After the word "Militia" there shall be inserted the words "or Territorial Force."
S. 115 (7)	After the word "Whenever" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or."
S. 115 (8)	After the words "then if" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or."
S. 175	After paragraph (3) there shall be inserted the following paragraph:— "(3A) Officers of the Territorial Force other than members of the permanent staff."
S. 176	After paragraph (6) there shall be inserted the following paragraph:— "(6A) All non-commissioned officers and men belonging to the Territorial Force— "(*a*) When they are being trained or exercised, either alone or with any portion of the regular forces or otherwise; and "(*b*) When attached to or otherwise acting as part of or with any regular forces; and "(*c*) When embodied; and "(*d*) When called out for actual military service for purposes of defence in pursuance of any agreement."
S. 181 (4)	The words "the unit of the Territorial Force" shall be inserted after the words "officer commanding," where those words first occur, and the words "an unit of the Territorial Force" shall be inserted after those words where they secondly occur, and the words "Territorial Force" shall be inserted after the words "an officer, non-commissioned officer, or man of the."
S. 181 (4) (*a*)	After the word "any" there shall be inserted the words "man of the Territorial Force or."
S. 181 (4) (*b*) and (*c*) . .	The word "Militia" shall be repealed in both places where that word occurs, and the words "of the Territorial Force or Militia" shall be inserted after the word "man" in both places where that word occurs.
S. 181 (6)	After the word "Volunteers" there shall be inserted the words "or the Territorial Force."
S. 190 (12)	After the word "means" there shall be inserted the words "the Territorial Force."

SECOND SCHEDULE (s. 38).

Names of Cities and Towns.	County.
ENGLAND.	
County of the city of Chester	Chester.
County of the city of Exeter	Devon.
County of the town of Poole	Dorset.
County of the city of Gloucester	Gloucester.
County of the city of Bristol	Gloucester.
County of the city of Canterbury	Kent.
County of the city of Lincoln	Lincoln.
County of the city of Norwich	Norfolk.
County of the town of Newcastle-upon-Tyne	Northumberland.
Borough and town of Berwick-upon-Tweed	Northumberland.
County of the town of Nottingham	Nottingham.
County of the town of Southampton	Southampton.
County of the city of Lichfield	Stafford.
County of the city of Worcester	Worcester.
County of the city of York	West Riding of York.
County of the town of Kingston-upon-Hull	East Riding of York.
County of the town of Carmarthen	Carmarthen.
County of the town of Haverfordwest	Pembroke.
IRELAND.	
County of the city of Waterford	Waterford.
County of the town of Londonderry	Londonderry.

THIRD SCHEDULE (s. 40).

SCOTLAND.

Name of County of City.	County.
County of the city of Edinburgh	Edinburgh.
County of the city of Glasgow	Lanark.
County of the city of Dundee	Forfar.
County of the city of Aberdeen	Aberdeen.

CHAPTER X.

An Act to repeal section fifty-seven of the Factory and Workshop Act, 1901, *and part of section seven of the Coal Mines Regulation Act*, 1887, *relating to the Employment of Women and Children.* [*9th August* 1907.]

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. REPEAL OF CERTAIN PROVISIONS AS TO EMPLOYMENT OF WOMEN.—Section fifty-seven of the Factory and Workshop Act, 1901 (which relates to the employment of women in flax scutch mills), and in paragraph (5) of section seven of the Coal Mines Regulation Act, 1887 (which relates to the employment of women and children above ground), the words "of not less than eight hours between the termination of employment on Friday and the commencement of employment on the following Saturday and in other cases" are hereby repealed.

2. SHORT TITLE.—This Act may be cited as the Employment of Women Act, 1907.

CHAPTER XI.

An Act to make further provision with respect to the sums to be paid by Canada to the several Provinces of the Dominion. [*9th August* 1907.]

WHEREAS an address has been presented to His Majesty by the Senate and Commons of Canada in the terms set forth in the schedule to this Act:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. PAYMENTS TO BE MADE BY CANADA TO PROVINCES.—(1) The following grants shall be made yearly by Canada to every province, which at the commencement of this Act is a province of the Dominion, for its local purposes and the support of its Government and Legislature:—

(*a*) A fixed grant—

where the population of the province is under one hundred and fifty thousand, of one hundred thousand dollars;

where the population of the province is one hundred and fifty thousand, but does not exceed two hundred thousand, of one hundred and fifty thousand dollars;

where the population of the province is two hundred thousand, but does not exceed four hundred thousand, of one hundred and eighty thousand dollars;

where the population of the province is four hundred thousand, but does not exceed eight hundred thousand, of one hundred and ninety thousand dollars;

where the population of the province is eight hundred thousand, but does not exceed one million five hundred thousand, of two hundred and twenty thousand dollars;

where the population of the province exceeds one million five hundred thousand, of two hundred and forty thousand dollars; and

(*b*) Subject to the special provisions of this Act as to the provinces of British Columbia and Prince Edward Island, a grant at the rate of eighty cents per head of the population of the province up to the number of two million five hundred thousand, and at the rate of sixty cents per head of so much of the population as exceeds that number.

(2) An additional grant of one hundred thousand dollars shall be made yearly to the province of British Columbia for a period of ten years from the commencement of this Act.

(3) The population of a province shall be ascertained from time to time in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively by the last quinquennial census or statutory estimate of population made under the Acts establishing those provinces or any other Act of the Parliament of Canada making provision for the purpose, and in the case of any other province by the last decennial census for the time being.

(4) The grants payable under this Act shall be paid half-yearly in advance to each province.

(5) The grants payable under this Act shall be substituted for the grants or subsidies (in this Act referred to as existing grants) payable for the like purposes at the commencement of this Act to the several provinces of the Dominion under the provisions of section one hundred and eighteen of the British North America Act, 1867 (30 and 31 Vict. c. 3), or of any Order in Council establishing a province, or of any Act of the Parliament of Canada containing directions for the payment of any such grant or subsidy, and those provisions shall cease to have effect.

(6) The Government of Canada shall have the same power of deducting sums charged against a province on account of the interest on public debt in the case of the grant payable under this Act to the province as they have in the case of the existing grant.

(7) Nothing in this Act shall affect the obligation of the Government of Canada to pay to any province any grant which is payable to that province, other than the existing grant for which the grant under this Act is substituted.

(8) In the case of the provinces of British Columbia and Prince Edward Island, the amount paid on account of the grant payable per head of the population to the provinces under this Act shall not at any time be less than the amount of the corresponding grant payable at the commencement of this Act; and if it is found on any decennial census that the population of the province has decreased since the last decennial census, the amount paid on account of the grant shall not be decreased below the amount then payable, notwithstanding the decrease of the population.

2. SHORT TITLE AND INTERPRETATION.—This Act may be cited as the British North America Act, 1907, and shall take effect as from the first day of July nineteen hundred and seven.

SCHEDULE.

TO THE KING'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in Parliament assembled, humbly approach Your Majesty for the purpose of representing that it is expedient to amend the scale of payments authorised under section 118 of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, or by or under any terms or conditions upon which any other provinces were admitted to the Union, to be made by Canada to the several provinces of the Dominion for the support of their Governments and Legislatures by providing that—

A. Instead of the amounts now payable, the sums hereafter payable yearly by Canada to the several provinces for the support of their Governments and Legislatures be according to population, and as follows:—

(*a*) Where the population of the province is under 150,000, $100,000;

(*b*) Where the population of the province is 150,000, but does not exceed 200,000, $150,000;

(*c*) Where the population of the province is 200,000, but does not exceed 400,000, $180,000;

(*d*) Where the population of the province is 400,000, but does not exceed 800,000, $190,000;

(*e*) Where the population of the province is 800,000, but does not exceed 1,500,000, $220,000;

(*f*) Where the population of the province exceeds 1,500,000, $240,000.

B. Instead of an annual grant per head of population now allowed, the annual payment hereafter be at the same rate of eighty cents per head, but on the population of each province, as ascertained from time to time by the last decennial census, or in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively, by the last quinquennial census or statutory estimate, until such population exceeds 2,500,000, and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

C. An additional allowance to the extent of one hundred thousand dollars annually be paid for ten years to the province of British Columbia.

D. Nothing herein contained shall in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion of Canada, or the right of any province to the payment of any special grant heretofore made by the Parliament of Canada to any province for any special purpose in such grant expressed.

We pray that Your Majesty may be graciously pleased to cause a measure to be laid before the Imperial Parliament at its present Session repealing the provisions of section 118 of the British North America Act, 1867, aforesaid, and substituting therefor the scale of payments above set forth, which shall be a final and unalterable settlement of the amounts to be paid yearly to the several provinces of the Dominion for their local purposes, and the support of their Governments and Legislatures.

Such grants shall be paid half-yearly in advance to each province, but the Government of Canada shall deduct from such grants as against any province all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in the said Act.

All of which we humbly pray Your Majesty to take into your favourable and gracious consideration.

(Signed) R. DANDURAND,
Speaker of the Senate.

(Signed) R. F. SUTHERLAND,
Speaker of the House of Commons.

Senate and House of Commons,
Ottawa, Canada,
26th April 1907.

CHAPTER XII.

An Act to amend the Matrimonial Causes Acts, 1857 and 1866, by extending the powers of the Court in relation to Maintenance and Alimony, and leave to intervene.

[*9th August* 1907.]

CHAPTER XIII.

FINANCE ACT, 1907.

[7 EDW. 7. CH. 13.]

ARRANGEMENT OF SECTIONS.

PART I.

CUSTOMS AND EXCISE.

Section.

1. Duty on tea.
2. Continuance of additional customs duties and drawbacks on tobacco, beer, and spirits.
3. Continuance of additional excise duties and drawbacks on beer and spirits.
4. Means of ascertaining strength or weight of spirits.
5. Amendment of the Revenue Act, 1883, as to imported plate.

PART II.

STAMPS.

6. Extension of exemption from stamp duty in case of certain affidavits and declarations.
7. Stamping of hire-purchase agreement.
8. Provisions as to policies of insurance.
9. Proxies executed abroad.
10. Reduction of duty on loan capital issued for the purpose of the conversion or consolidation of existing capital.
11. Remission of stamp duty on customs and excise debentures and certificates.

PART III.

DEATH DUTIES.

12. Amended rates of estate duty.
13. Extension of power to remit death duties.
14. Power to entertain application for discharge from claims for estate duty made at any time.
15. Calculation of the allowance to be made in respect of duty paid before the commencement of the Finance Act, 1894.
16. Limited aggregation of certain settled property abolished.

PART IV.

LOCAL TAXATION ACCOUNT.

17. Provision with respect to certain grants to local taxation accounts.

PART V.

INCOME TAX.

18. Income Tax for 1907–1908.
19. Relief in respect of earned income where total income does not exceed £2000.
20. Special provisions applicable to partners.
21. Particulars to be given by employers.
22. Liability to make returns.
23. Extension of time for certain proceedings.
24. Provisions with respect to computing profits by average of three years.
25. Payment of tax on patent royalties by deduction.
26. Provisions with respect to deductions for wear and tear of machinery or plant.
27. Power of Commissioners for special purposes to allow relief under s. 23 of 53 and 54 Vict. c. 8.
28. Deductions by clergymen or ministers of religion in respect of dwelling-houses in certain cases.

PART VI.

NATIONAL DEBT.

29. Reduction of debt.

PART VII.

Section. GENERAL.

30. Repeal, construction, and short title.

SCHEDULES.

CHAPTER XIII.

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year.

[*9th August* 1907.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

PART I.

CUSTOMS AND EXCISE.

1. DUTY ON TEA.—The duty of customs payable on tea until the fourteenth day of May nineteen hundred and seven, under the Finance Act 1906 (6 Edw. 7, c. 8), shall be deemed to have been continued as from that date and shall continue to be charged, levied, and paid until the first day of July nineteen hundred and eight on the importation thereof into Great Britain or Ireland (that is to say):—

Tea, the pound . . . . . fivepence.

2. CONTINUANCE OF ADDITIONAL CUSTOMS DUTIES AND DRAWBACKS ON TOBACCO, BEER, AND SPIRITS.—The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (63 and 64 Vict. c. 7) (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid, and the additional drawback allowed under the said section four shall continue to be allowed, until Parliament otherwise determine, and those duties and that drawback shall be deemed to have been continued as from the first day of July nineteen hundred and seven.

3. CONTINUANCE OF ADDITIONAL EXCISE DUTIES AND DRAWBACKS ON BEER AND SPIRITS.—The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900, shall continue to be charged, levied, and paid, and the additional drawback allowed under the said section six shall continue to be allowed, until Parliament otherwise determine, and those duties and that drawback shall be deemed to have been continued as from the first day of July nineteen hundred and seven.

4. MEANS OF ASCERTAINING STRENGTH OR WEIGHT OF SPIRITS.—(1) The Commissioners of Customs and the Commissioners of Inland Revenue may jointly make regulations authorising the use of any means described in the regulations for ascertaining for any purpose the strength or weight of spirits.

(2) Where under any enactment Sykes's hydrometer is directed to be used or may be used for the purpose of ascertaining the strength or weight of spirits, any means so authorised by regulations may be used instead of Sykes's hydrometer, and references to Sykes's hydrometer in any enactment shall be construed accordingly.

(3) Any regulations made under this section shall be published in the London, Edinburgh, and Dublin Gazettes, and shall take effect from the date of publication, or such later date as may be mentioned in the regulations for the purpose.

(4) The expression "spirits" in this section has the same meaning as in the Spirits Act, 1880 (43 and 44 Vict. c. 24).

5. AMENDMENT OF THE REVENUE ACT, 1883, AS TO IMPORTED PLATE.—Notwithstanding anything to the contrary in section ten of the Revenue Act, 1883 (46 and 47 Vict. c. 55), and subject to the conditions there set forth, gold and silver plate imported into Great Britain or Ireland may be delivered into the hands of the officers of any assay office selected by the importer though it be not the assay office nearest to the port of importation, and may, upon security being given to the satisfaction of the Commissioners of Customs, be removed to the assay office without being in charge of an officer of customs.

PART II.

STAMPS.

6. EXTENSION OF EXEMPTION FROM STAMP DUTY IN CASE OF CERTAIN AFFIDAVITS AND DECLARATIONS.—The limitation of the exemption numbered (2) under the heading "Affidavit and Statutory Declaration" in the First Schedule to the Stamp Act, 1891 (54 and 55 Vict. cap. 39), to affidavits or declarations made before a justice of the peace shall cease to have effect.

7. STAMPING OF HIRE-PURCHASE AGREEMENT.—Any agreement for or relating to the supply of goods on hire, whereby the goods in consideration of periodical payments will or may become the property of the person to whom they are supplied, shall be charged with stamp duty as an agreement, or, if under seal (or in Scotland with a clause of registration), as a deed, as the case requires, and the exemption numbered (3) under the heading "Agreement or any Memorandum of an Agreement," in the First Schedule to the Stamp Act, 1891 (which exempts agreements for the sale of goods), shall not apply in the case of any such instrument.

8. PROVISIONS AS TO POLICIES OF INSURANCE.—(1) It is hereby declared, for the removal of doubts, that "a policy of insurance for any payment agreed to be made by way of indemnity against loss or damage of or to any property" within the meaning of the Stamp Act, 1891, includes any notice or advertisement in a newspaper or other publication which purports to insure such payment.

(2) The provisions of section one hundred and sixteen of the said Act (which relates to composition for stamp duty on policies of insurance against accident) shall apply to policies of insurance for any payment agreed to be made by way of indemnity against loss or damage of or to any property as they apply to policies of insurance against accident.

(3) Section eleven of the Finance Act, 1899 (62 and 63 Vict. c. 9) (which relates to policies of insurance in respect of injury to workmen), shall be read as if two pounds were substituted for one pound as the amount of the annual premium therein mentioned.

9. PROXIES EXECUTED ABROAD.—So much of subsection (2) of section eighty of the Stamp Act, 1891, as prevents the stamping after execution of a letter or power of attorney or voting paper charged with the duty of one penny shall cease to apply as regards any such instrument which has been first executed at any place out of the United Kingdom, and accordingly any such instrument so executed after the commencement of this Act may be stamped after execution in accordance with section fifteen of the said Act.

10. REDUCTION OF DUTY ON LOAN CAPITAL ISSUED FOR THE PURPOSE OF THE CONVERSION OR CONSOLIDATION OF EXISTING CAPITAL.—(1) Where it is shown to the satisfaction of the Commissioners that the loan capital issued by any local authority, corporation, company, or body of persons, in respect of which a statement has, after the commencement of this Act, been delivered to the Commissioners under section eight of the Finance Act, 1899 (62 and 63 Vict. cap. 9), has been wholly or partly applied for the purpose of the conversion or consolidation of then existing loan capital, that authority, corporation, company, or body of persons, as the case may be, shall be entitled to repayment in respect of the duty charged on the statement so delivered at the rate of two shillings for every hundred pounds of the capital to which the statement relates which is so shown to have been applied for the purpose of the conversion

or consolidation of then existing loan capital; but this section shall not apply to any duty payable in respect of a mortgage or marketable security which has been paid on any trust deed or other document securing the loan capital which has been issued.

(2) If it is represented to the Commissioners by any such local authority, corporation, company, or body of persons that loan capital about to be issued by them is to be applied, in whole or in part, for the purpose of the conversion or consolidation of existing loan capital, the Commissioners may postpone the time for the delivery of the statement and the payment of duty under section eight of the Finance Act, 1899, until the capital has been issued or until such other time as the Commissioners think fit for the purpose of enabling the payment and repayment of the duty to take place as one transaction.

11. Remission of Stamp Duty on Customs and Excise Debentures and Certificates.—The duty payable under the Stamp Act, 1891, on any debenture or certificate for entitling any person to receive any allowance by way of drawback or otherwise payable out of the revenue of customs or excise, for or in respect of any goods, wares, or merchandise exported or shipped to be exported from the United Kingdom to any part beyond the sea, and on any certificate of any goods, wares, or merchandise having been duly entered inwards, which shall be entered outwards for exportation at the port of importation, or be removed from thence to any other port for the more convenient exportation thereof, where such certificate is issued for enabling a person to obtain a debenture or certificate entitling him to receive a drawback of any duty of customs, shall cease to be payable, and any such debentures or certificates shall not be liable to stamp duty.

Part III.

Death Duties.

12. Amended Rates of Estate Duty.—The scale set out in the First Schedule to this Act shall, in the case of persons dying on or after the nineteenth day of April nineteen hundred and seven, be substituted for the scale of rates of estate duty set out in section seventeen of the Finance Act, 1894 (57 and 58 Vict. c. 30) (in this Part of this Act referred to as the Principal Act):

Provided that where an interest in expectancy (within the meaning of Part I. of the Principal Act) in any property has before the nineteenth day of April nineteen hundred and seven been bonâ fide sold or mortgaged for full consideration in money or money's worth, then no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than would have been payable if this section had not passed; and in the case of a mortgage any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

13. Extension of Power to Remit Death Duties.—The power of the Commissioners under subsection (11) of section eight of the principal Act to remit the payment of estate duty or interest thereon shall apply to the other duties which are included in the definition of death duties in subsection (3) of section thirteen of that Act as well as to estate duty.

14. Power to Entertain Application for Discharge from Claims for Estate Duty Made at Any Time.—The Commissioners may, if they think fit, entertain any application made for the purpose of subsection (2) of section eleven of the principal Act (which relates to discharge from claims for estate duty), at whatever time the application is made; and, as respects any application so entertained, the provisions of that subsection shall have effect notwithstanding that the application is made before the lapse of the two years mentioned in that subsection.

15. Calculation of the Allowance to be Made in Respect of Duty Paid Before the Commencement of the Finance Act, 1894.—The deduction to be allowed under section twenty-one of the Finance Act 1896 (59 and 60 Vict. c. 28), in respect of death duties previously paid on property on which estate duty is payable shall, instead of being the amount of the duty paid or payable, be the amount which would have been payable on account of the duty if the duty were calculated on the value of the property on which estate duty is payable: Provided that, if as respects any such deduction the person by whom the duty is payable requires the Commissioners, on the first delivery

of his account, to calculate the deduction as if this section had not passed, the deduction shall be so calculated.

16. LIMITED AGGREGATION OF CERTAIN SETTLED PROPERTY ABOLISHED.—In the case of persons dying on or after the nineteenth day of April nineteen hundred and seven, any settled property which would, under subsection (2) of section twelve of the Finance Act, 1900 (63 and 64 Vict. c. 7), be aggregated with other property so as to enhance the rate of duty to the limited extent provided in that section, shall, for the purposes of the principal Act, instead of being so aggregated, be treated as an estate by itself.

PART IV.

LOCAL TAXATION ACCOUNT.

17. PROVISION WITH RESPECT TO CERTAIN GRANTS TO LOCAL TAXATION ACCOUNTS.—(1) The grants specified in the Second Schedule to this Act shall instead of being charged in manner provided by the Acts relating to those grants, be charged on and paid out of the Consolidated Fund or the growing produce thereof, but in the case of grants which are payable during the continuance of any temporary Act only so long as that Act is continued.

(2) The proceeds of the local taxation (customs and excise) duties, and of the duties on local taxation licences (including any duty charged under subsection (1) of section eight of the Locomotives on Highways Act, 1896 (59 and 60 Vict. c. 36), payable under any Act in force at the commencement of this Act into any local taxation account, shall, instead of being paid into that account, be paid into the Exchequer, and there shall be paid into any such local taxation account out of the Consolidated Fund or the growing produce thereof a sum equal to the amount which would have been paid into that account as the proceeds of the duties if this Act had not passed.

(3) Where under this section or under any other enactment the amount of any sum paid into any local taxation account is made to depend on the proceeds of the duties on local taxation licences, those proceeds shall be calculated, in the event of any alteration of the rate of duties, as if the duties were at the rate in force at the commencement of this Act:

Provided that, if in any year owing to any alteration in the rate of duties the rate of any such duty is higher than the rate in force at the commencement of this Act, and the proceeds of that duty in that year as so calculated are less than the average proceeds of the duty for the three years ending the thirty-first day of March nineteen hundred and seven, the proceeds of the duty instead of being calculated as aforesaid shall be deemed to be the amount of those average proceeds, and the Commissioners of Inland Revenue shall give their certificates as to the sums ascertained to be the proceeds of those duties accordingly.

(4) In this section the expression "proceeds of duties" includes sums ascertained to be the proceeds of the duties, and any reference in any enactment to the duties or proceeds of the duties referred to in this section shall, so far as relates to the distribution of or mode of dealing with those duties or proceeds, be construed as a reference to the sums to be paid in lieu thereof under this section.

(5) This section shall have effect as from the commencement of the current financial year, and, as respects any payment made or other thing done between the commencement of the current financial year and the date of the passing of this Act, the Treasury may cause such adjustments of accounts to be made as are required to give effect to the provisions of this section.

PART V.

INCOME TAX.

18. INCOME TAX FOR 1907–8.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and seven shall be charged at the rate of one shilling.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and seven shall, subject to any amendments made by this Act, have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A and B in the Income Tax Act, 1853 (16 and 17 Vict. c. 34), or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and seven, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection—

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869 (32 and 33 Vict. c. 67).

19. Relief in Respect of Earned Income where Total Income Does Not Exceed £2000.—(1) Any individual who claims and proves, in manner provided by this section, that his total income from all sources does not exceed two thousand pounds, and that any part of that income is earned income, shall be entitled, subject to the provisions of this section, to such relief from income tax as will reduce the amount payable on the earned income to the amount which would be payable if the tax were charged on that income at the rate of nine pence.

(2) The relief given by this section shall be in addition to and not in derogation of any exemption or other relief or abatement under the Income Tax Acts, except that where an individual is entitled to relief from income tax under section eight of the Finance Act, 1898 (61 and 62 Vict. c. 10), or, in respect of the payment of premiums, under section fifty-four of the Income Tax Act, 1853 (16 and 17 Vict. c. 34) (as extended by any subsequent enactment), relief shall be given under this section only in respect of such earned income (if any) as remains after deducting therefrom the amount on which he is relieved of income tax under the said sections eight and fifty-four.

(3) Where relief is given under section eight of the Finance Act, 1898, or section fifty-four of the Income Tax Act, 1853, by way of repayment of the tax after relief has been given under this section, the amount repaid shall be adjusted so that the total amount of the relief given under this section and under the said sections eight and fifty-four does not exceed the amount which would have been given if the whole relief had been claimed simultaneously.

(4) An individual who desires relief under this section must, in cases where he is required to make a return for the purpose of the assessment of income tax, claim that relief at the time the return is made and must, in any case, claim that relief before the thirtieth day of September in the year for which the tax is charged.

For the purpose of making a claim for relief under this section with respect to income tax charged under this Act for the current year, any individual may, before the thirtieth day of September nineteen hundred and seven, substitute a fresh return for any return previously made by him.

(5) An individual shall not be entitled to relief under this section in respect of any income the tax on which he is entitled to charge against any other person, or to deduct, retain, or satisfy out of any payment which he is liable to make to any other person.

(6) Subject to the provisions of this section, all the provisions of the Income Tax Acts which relate to claims for exemption, relief, or abatement, or the proof to be given with respect to those claims, shall apply to claims for relief under this section and the proof to be given with respect to those claims.

(7) For the purposes of this section the expression "income" means income as estimated according to the several rules and directions of the Income Tax Acts; and the expression "earned income" means—

(*a*) any income arising in respect of any remuneration from any office or employment of profit held by the individual, or in respect of any pension, superannuation, or other allowance, deferred pay, or compensation for loss of office given in respect of the past services of the individual or of the husband or parent of the individual in any office or employment of profit, whether the individual or husband or parent of the individual shall have contributed to such pension, superannuation allowance, or deferred pay or not; and

(*b*) any income from any property which is attached to or forms part of the emoluments of any office or employment of profit held by the individual; and

(*c*) any income which is charged under Schedules B or D in the Income Tax Act, 1853, or the rules prescribed by Schedule D in the Income Tax Act, 1842 (5 and 6 Vict. c. 35), and is immediately derived by the individual from the carrying on or exercise by him of his profession, trade, or vocation either as an individual, or, in the case of a partnership, as a partner personally acting therein.

In cases where a wife's profits are deemed to be profits of the husband, any reference in this provision to the individual includes either the husband or the wife.

(8) Section thirty-four of the Finance Act, 1894, shall cease to have effect so far as it gives relief or abatement to persons who are entitled to relief under section eight of the Finance Act, 1898.

20. SPECIAL PROVISIONS APPLICABLE TO PARTNERS.—Where an individual carrying on or exercising any profession, trade or vocation in partnership with any other person makes any claim for exemption, relief, or abatement under the Income Tax Acts, the income of the individual from the partnership for the year to which the claim relates may be treated separately for the purpose of any such exemption, relief, or abatement; and if so treated shall be deemed to be the share to which he is entitled during the said year in the partnership profits, such profits being estimated according to the several rules and directions of those Acts.

21. PARTICULARS TO BE GIVEN BY EMPLOYERS.—(1) Every employer, when required to do so by notice from an assessor, shall, within the time limited by the notice, prepare and deliver to the assessor a return of the names and places of residence of any persons employed by him, to whom this provision applies, and of the payments made to those persons in respect of that employment, and section fifty-five of the Income Tax Act, 1842 (5 and 6 Vict. c. 35), shall apply with respect to any such return as it applies with respect to the lists, declarations, or statements mentioned in that section.

This provision applies to all persons employed by an employer, except persons who are not employed in any other employment, and whose remuneration in the employment for the year does not exceed the sum for the time being fixed as the limit for total exemption from income tax.

(2) Where the employer is a body of persons, corporate or unincorporate (including a company), the secretary of the body, or other officer (by whatever name called) performing the duties of secretary, shall be deemed to be the employer for the purposes of this provision, and any director of a company, or person engaged in the management of a company, shall be deemed to be a person employed.

22. LIABILITY TO MAKE RETURNS.—(1) Every person upon whom notice is served in manner prescribed by section forty-eight of the Income Tax Act, 1842 (which relates to the delivery of notices by assessors), requiring him to make a return of any profits, gains, or income in respect of which he is chargeable with duty under Schedule D or Schedule E in the Income Tax Act, 1853, shall make a return in the form required by the notice, whether he is or is not chargeable with duty, and in default shall be liable to a penalty under section fifty-five of the Income Tax Act, 1842, accordingly:

Provided that a penalty inflicted in the case of a person proceeded against for not complying with this provision, who proves that he was not chargeable to duties, shall not exceed five pounds for any one offence.

(2) The duties imposed on officers of any corporation, company, fraternity, fellowship, or society by sections forty and fifty-four of the Income Tax Act, 1842, and by section eighteen of the Customs and Inland Revenue Act, 1879 (42 and 43 Vict. c. 21), shall in the case of any company, be performed by the secretary of the company or other officer (by whatever name called) performing the duties of secretary.

23. EXTENSION OF TIME FOR CERTAIN PROCEEDINGS.—(1) Notwithstanding anything in an Acte concerninge Informers, being chapter five of the Acts of the thirty-first year of the reign of Queen Elizabeth (31 Eliz. c. 5), or in subsection (4) of section twenty-one of the Taxes Management Act, 1880 (43 and 44 Vict. c. 19), or in subsection (2) of section twenty-two of the Inland Revenue Regulation Act, 1890 (53 and 54 Vict. c. 21), or in any other enactment, proceedings for the recovery of any fine or penalty incurred under the Income Tax Acts may be commenced within three years next after the fine or penalty is incurred.

(2) The time during which an assessment may be amended or an additional first

assessment made under section fifty-two of the Taxes Management Act, 1880 (43 and 44 Vict. c. 19) (which relates to the amendment of assessments), or during which an assessment may be made on the estate of a deceased person under section twenty-four of the Customs and Inland Revenue Act, 1890 (53 and 54 Vict. c. 8) (which relates to the power to make such assessments), shall be any time within the year of assessment or within three years after the expiration thereof; and the time during which in cases of omission to charge any person a charge may be made and allowed or signed under section sixty-three of the Taxes Management Act, 1880 (which relates to the powers of surveyors to make such charges), shall be a period of three years after the expiration of the year for which the person ought to have been charged.

(3) Nothing in this section shall affect proceedings for the recovery of fines or penalties incurred before the commencement of this Act, or extend the time during which any assessment may be made or amended, or a charge may be made on any person in respect of income tax charged under any Act passed before the commencement of this Act.

24. Provisions with Respect to Computing Profits by Average of Three Years.—(1) Section one hundred and thirty-three of the Income Tax Act, 1842 (28 and 29 Vict. c. 30), and section six of the Revenue Act, 1865 (which provide for the reduction of assessments or the repayment of duty in certain cases where the profits of the year of assessment fall short of the sum on which the assessment has been made), shall cease to have effect as respects income tax charged for the year beginning the sixth day of April nineteen hundred and seven, or for any subsequent year.

(2) Where a person charged or chargeable with income tax in respect of any profession, trade, or vocation which has been set up or commenced within the period of three years upon the average of which the profits or gains are to be taken under the Income Tax Acts, or within the year of assessment, proves at the end of the year of assessment to the satisfaction of the Commissioners by whom the assessment has been or can be made that the actual profits or gains arising from the profession, trade, or vocation in the year of assessment fall short of the profits or gains as computed in accordance with those Acts, he shall be entitled to be charged on the actual amount of the profits or gains so arising instead of on the amount of the profits or gains so computed, and, if he has paid the full amount of the tax on the profits or gains so computed, be entitled to repayment of the amount overpaid.

(3) Where a profession, trade, or vocation is discontinued in any year, any person charged or chargeable with income tax in respect of that profession, trade, or vocation, shall be entitled to be charged on the actual amount of the profits or gains arising from the profession, trade, or vocation in that year, and shall also, if he proves to the satisfaction of the Commissioners by whom the assessment has been or could have been made that the total amount of the income tax paid during the three previous years in respect of that profession, trade, or vocation, exceeds the total amount which would have been paid if he had been assessed in each of those years on the actual amount of the profits or gains arising in respect of the profession, trade, or vocation, be entitled to repayment of the excess.

25. Payment of Tax on Patent Royalties by Deduction.—(1) In estimating, under any schedule of the Income Tax Acts, the amount of the profits and gains arising from any trade, manufacture, adventure, concern, profession, or vocation, no deduction shall be made on account of any royalty, or other sum, paid in respect of the user of a patent, but the person paying the royalty or sum shall be authorised, on making the payment, to deduct and retain thereout the amount of the rate of income tax chargeable during the period through which the royalty or sum was accruing due.

(2) Subsection (3) of section twenty-four of the Customs and Inland Revenue Act, 1888 (51 and 52 Vict. c. 8), shall apply to any such royalties or sums as it applies to interest of money or annuities charged with income tax under Schedule D in the Income Tax Act, 1853.

26. Provisions with Respect to Deductions for Wear and Tear of Machinery or Plant.—(1) For the purpose of enabling deductions for wear and tear to be allowed by the additional Commissioners, claims in respect of those deductions shall be included in the annual statement required to be delivered under the Income Tax Acts of the profits or gains of the concern for the purpose of which the machinery or plant is used,

and the additional Commissioners in assessing those profits and gains shall make such allowances in respect of those claims as they think just and reasonable.

(2) No deduction for wear and tear or payment on account of any such deduction shall be allowed in any year if the deduction when added to the deductions allowed on that account in any previous years to the person by whom the concern is carried on will make the aggregate amount of the deductions exceed the actual cost to that person of the machinery or plant, including in that actual cost any expenditure in the nature of capital expenditure on the machinery or plant by way of renewal, improvement, or reinstatement.

(3) Where as respects any trade, manufacture, adventure, or concern full effect cannot be given to the deduction for wear and tear in any year owing to their being no profits or gains chargeable with income tax in that year, or owing to the profits or gains so chargeable being less than the deduction, the deduction or part of the deduction to which effect has not been given, as the case may be, shall, for the purpose of making the assessment for the following year, be added to the amount of the deduction for wear and tear for that year and deemed to be part of that deduction, or if there is no such deduction for that year, be deemed to be the deduction for that year, and so on for succeeding years.

(4) In this section the expression "deduction for wear and tear" means the deduction allowed, or which would be allowed, under section twelve of the Customs and Inland Revenue Act, 1878 (41 and 42 Vict. c. 15), as representing the diminished value, by reason of wear and tear during the year, of machinery or plant used for the purposes of any trade, manufacture, adventure, or concern.

27. POWER OF COMMISSIONERS FOR SPECIAL PURPOSES TO ALLOW RELIEF UNDER S. 23 OF 53 AND 54 VICT. C. 8.—Any application for relief under section twenty-three of the Customs and Inland Revenue Act, 1890, may be made either to the Commissioners for the general purposes of the Acts relating to income tax as provided in that section or to the Commissioners for the special purposes of those Acts, and the last-named Commissioners shall have the same power under that section as the first-named Commissioners have.

28. DEDUCTIONS BY CLERGYMEN OR MINISTERS OF RELIGION IN RESPECT OF DWELLING-HOUSES IN CERTAIN CASES.—Where a clergyman or minister of any religious denomination pays rent for a dwelling-house, and uses any part thereof mainly and substantially for the purposes of his duty or function as such clergyman or minister, such part of the rent of the dwelling-house, not exceeding one-eighth, as the Commissioners by whom any assessment for income tax is made may allow, shall be treated for the purposes of section fifty-two of the Income Tax Act, 1853, as expenses to which the provisions of that section as to deduction and repayment apply.

PART VI.

NATIONAL DEBT.

29. REDUCTION OF DEBT.—The amount of the permanent annual charge for the National Debt under section one of the Sinking Fund Act, 1875 (38 and 39 Vict. c. 45), shall, during the current financial year, be the sum of twenty-nine and a half million instead of twenty-eight million pounds, and subsection (4) of section seven of the Finance Act, 1905, shall, as respects the current financial year, have effect accordingly.

PART VII.

GENERAL.

30. REPEAL, CONSTRUCTION, AND SHORT TITLE.—(1) The Acts specified in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) Part I. of this Act so far as it relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876 (39 and 40 Vict. c. 36), and the Acts amending that Act, and so far as it relates to duties of excise shall be construed

together with the Acts which relate to the duties of excise and the management of those duties.

Part II. of this Act shall be construed together with the Stamp Act, 1891 (54 and 55 Vict. c. 39).

Part III. of this Act shall be construed together with the Finance Act, 1894 (57 and 58 Vict. c. 30).

Part V. of this Act shall be construed together with the Income Tax Acts, 1842 and 1853, and any other enactments relating to Income Tax, and those enactments and Part V. of this Act are in this Act referred to as the Income Tax Acts.

(3) This Act may be cited as the Finance Act, 1907.

SCHEDULES.

FIRST SCHEDULE.

Scale of Rates of Estate Duty (s. 12).

Where the Principal Value of the Estate				Estate Duty shall be payable at the Rate per Cent. of
	£		£	
Exceeds	100	and does not exceed	500	One pound.
,,	500	,, ,,	1,000	Two pounds.
,,	1,000	,, ,,	10,000	Three pounds.
,,	10,000	,, ,,	25,000	Four pounds.
,,	25,000	,, ,,	50,000	Four pounds ten shillings.
,,	50,000	,, ,,	75,000	Five pounds.
,,	75,000	,, ,,	100,000	Five pounds ten shillings.
,,	100,000	,, ,,	150,000	Six pounds.
,,	150,000	,, ,,	250,000	Seven pounds.
,,	250,000	,, ,,	500,000	Eight pounds.
,,	500,000	,, ,,	750,000	Nine pounds.
,,	750,000	,, ,,	1,000,000	Ten pounds.
,,	1,000,000	,, ,,	1,500,000	Ten pounds on one million, and eleven pounds on the remainder.
,,	1,500,000	,, ,,	2,000,000	Ten pounds on one million, and twelve pounds on the remainder.
,,	2,000,000	,, ,,	2,500,000	Ten pounds on one million, and thirteen pounds on the remainder.
,,	2,500,000	,, ,,	3,000,000	Ten pounds on one million, and fourteen pounds on the remainder.
,,	3,000,000			Ten pounds on one million, and fifteen pounds on the remainder.

SECOND SCHEDULE (s. 17).

(1) The estate duty grants paid under section nineteen of the Finance Act, 1894 (57 and 58 Vict. c. 30); and

(2) The agricultural rates grant paid under section two of the Agricultural Rates Act 1896 (59 and 60 Vict. c. 16); and

(3) The Scottish Agricultural rates grant paid under section three of the Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896 (59 and 60 Vict. c. 37).

THIRD SCHEDULE.

ENACTMENTS REPEALED (s. 30).

Session and Chapter.	Short Title.	Extent of Repeal.
5 and 6 Vict. c. 35.	The Income Tax Act, 1842.	The third rule of the rules applying to both the preceding cases in section one hundred from "except for the purpose" to "gains of such partnership." Section one hundred and thirty-three, except so far as it is referred to or incorporated in any other enactment.
28 and 29 Vict. c. 30.	The Revenue Act, 1865.	Section six.
54 and 55 Vict. c. 39.	The Stamp Act, 1891.	The following parts of the First Schedule:— The words "and made before a justice of the peace" in the exemption numbered (2) under the heading "AFFIDAVIT and STATUTORY DECLARATION." "CERTIFICATE of any goods, wares, or merchandise, "having been duly entered inwards, which shall be entered "outwards for exportation at the port of importation, or "be removed from thence to any other port for the more "convenient exportation thereof, where such certificate is "issued for enabling a person to obtain a debenture or "certificate entitling him to receive a drawback of any duty "of customs . . . . . 0 4 0" "DEBENTURE or CERTIFICATE for entitling any person to "receive any allowance by way of drawback or otherwise "payable out of the revenue of customs or excise, for or in "respect of any goods, wares, or merchandise exported or "shipped to be exported from the United Kingdom to any "part beyond the sea. "Where the allowance to be received does not "exceed £10 . . . . . 0 1 0 "Exceeds £10 and does not exceed £50 . . 0 2 6 "Exceeds £50 . . . . . 0 5 0"
57 and 58 Vict. c. 30.	The Finance Act, 1894.	The scale of the rates of estate duty in section seventeen, except as respects persons dying before the nineteenth day of April nineteen hundred and seven.
63 and 64 Vict. c. 7.	Finance Act, 1900.	In section two, the words "as from the sixth day of March "nineteen hundred until the first day of August nineteen "hundred and one." In section three, the words "as from the sixth day of March "nineteen hundred until the first day of August nineteen "hundred and one." In section four, the words "as from the sixth day of March "nineteen hundred until the first day of August nineteen "hundred and one," and the words "in and for the same "period." In section five the words "as from the sixth day of March "nineteen hundred until the first day of August nineteen "hundred and one," wherever they occur, and the words "This section shall not affect the continuance after the first "day of August nineteen hundred and one of the duties "existing prior to this section taking effect." In section six, the words "as from the sixth day of March "nineteen hundred until the first day of August nineteen "hundred and one," and the words "between the fifth day "of March nineteen hundred and the first day of August "nineteen hundred and one." In section seven, the words "as from the sixth day of March "nineteen hundred until the first day of August nineteen "hundred and one."

CHAPTER XIV.

An Act to make better provision as to the Relief of Persons released from detention in Prisons, Reformatory and Industrial Schools, and Inebriate Reformatories.

[21*st August* 1907.]

CHAPTER XV.

SALMON AND FRESHWATER FISHERIES ACT, 1907.

[7 Edw. 7. Ch. 15.]

ARRANGEMENT OF SECTIONS.

Section.
1. Power of Board of Agriculture and Fisheries to make orders.
2. Contents of the order.
3. Application for the order.
4. Procedure for making the order.
5. Confirmation by Parliament.
6. Expenses.
7. Consents in case of Crown and Duchy foreshore and land.
8. Short title, extent, and construction.
SCHEDULE.

CHAPTER XV.

An Act to enable Provisional Orders to be made for regulating Salmon and Freshwater Fisheries.

[21*st August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. POWER OF BOARD OF AGRICULTURE AND FISHERIES TO MAKE ORDERS.—With a view to the improvement and development of the salmon fisheries or freshwater fisheries, or either of them, within any area, the Board of Agriculture and Fisheries may, upon such application as is hereinafter mentioned, make a provisional order for the regulation of any such fisheries within the area defined by the order.

2. CONTENTS OF THE ORDER.—(1) A provisional order under this Act may provide for—

(*a*) defining the area within which the order is to apply;

(*b*) the constitution and incorporation of a board of conservators;

(*c*) applying to a board of conservators so constituted, and an area so defined, either without modification, or subject to such modifications as may be contained in the order, all or any of the provisions of the Salmon and Freshwater Fisheries Acts with respect to boards of conservators and fishery districts constituted under those Acts;

(*d*) the imposition, collection, and recovery of contributions to be assessed on private fisheries regulated by the order or on the owners or occupiers thereof;

(*e*) enabling the conservators to purchase or take on lease any part of the foreshore specified in the order, together with any easement over any adjoining land necessary for securing access to the foreshore so acquired, and by themselves or their lessees to erect on the foreshore so acquired and work fixed engines for salmon;

Provided that any such order—

(i) shall not authorise a fixed engine for salmon to be worked for a period exceeding five years unless the authority is from time to time extended by licence of the Board for such term as may be specified in the licence and not exceeding at any one time five years, and the Board shall not grant any such licence until they have inquired into the effect of the working of the engine on the salmon fisheries within the area; and

(ii) shall provide that all rents and profits of the fixed engines for salmon authorised by the order to be worked by the conservators shall be appropriated for the purpose of securing the restriction or abolition of the use in the area of nets and other obstructions to the passage of salmon :

(*f*) modifying in relation to the fisheries within the area any of the provisions of the Salmon and Freshwater Fisheries Acts which relate to the regulation of fisheries, or of any local Act relating to any fishery within the area;

(*g*) abolishing any board of conservators established under the Salmon and Freshwater Fisheries Acts within the area, and transferring their property and liabilities to the board of conservators constituted by the order, and making such adjustments between the two bodies as may appear to the Board to be necessary or expedient;

(*h*) requiring returns to be made by persons taking fish within the area;

(*i*) the payment out of any funds in the hands of the board of conservators constituted by the order of the costs of the applicants in obtaining the order and its confirmation by Parliament;

(*j*) the general regulation of the fisheries within the area,

and may contain any incidental, consequential, or supplemental provisions, including provisions for payment of compensation to persons injuriously affected by the order, which may appear to be necessary or proper for the purposes of the order.

(2) For the purpose of the acquisition of any part of the foreshore or any easement necessary for giving access thereto authorised to be taken compulsorily under any such provisional order, the provisions of the Lands Clauses Acts which relate to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, are, subject to the modifications set out in the schedule to this Act, incorporated with this Act.

(3) The Board of Agriculture and Fisheries shall make rules providing for proper notice being given of an application for the inclusion in a provisional order of a power to acquire compulsorily any part of the foreshore or any easement over adjoining land to owners, lessees, and occupiers of the foreshore or land affected, and also for public notice being given of the application by advertisement.

(4) A provisional order under this Act shall not apply to any waters in which the business of artificially propagating or rearing salmon or trout is carried on under a licence granted by the Board of Agriculture and Fisheries, and any such licence may be granted by the Board, subject to such conditions (if any) as they think fit, and may be revoked if the Board are of opinion that any condition has not been observed.

3. APPLICATION FOR THE ORDER.—A provisional order under this Act shall not be made except on the application of a board of conservators constituted under the Salmon and Freshwater Fisheries Acts, or of a county council, or of persons who in the opinion of the Board of Agriculture and Fisheries are the owners of one-fourth at least in value of the private fisheries proposed to be regulated or constitute a majority of the persons holding licences to fish in public waters within the area of the proposed order, and every such application shall be advertised by the applicants in such manner as the Board of Agriculture and Fisheries direct.

4. PROCEDURE FOR MAKING THE ORDER.—(1) The Board of Agriculture and Fisheries, if they consider that a primâ facie case is made out by the applicants for the making of a provisional order under this Act, shall hold a local inquiry (of which due notice shall be given) by an inspector or other officer of the Board, who shall report the result of his inquiry to the Board, and they, if satisfied of the propriety of making an order, shall prepare a draft, and shall once in each of two successive weeks notify the making of the draft order in some newspaper in general circulation within the area to which the draft relates, and the notification shall specify the place where copies of the draft can be inspected and obtained, and the time within which and the manner in which notices of objection to the draft are to be sent to the Board.

(2) The Board may, if they think it expedient, and shall, if any county council having authority within the area of the proposed order object, hold a local inquiry by an inspector or other officer of the Board with respect to any objections made to the

draft order, and shall, after considering all such objections and the report of the officer who held the inquiry (if any) thereon, settle the terms of the draft order.

5. Confirmation by Parliament.—(1) The Board of Agriculture and Fisheries may submit to Parliament for confirmation any provisional order made by them in pursuance of this Act, and any such order shall be of no force whatever unless and until it is confirmed by Parliament.

(2) The Board may revoke either wholly or partially any such order before the order is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

(3) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, shall be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(4) Any such order may be repealed, altered, or amended by a further provisional order made by the Board in like manner as the original order, and confirmed by Parliament.

6. Expenses.—Any expenses incurred by any board of conservators or county council under this Act in respect of any provisional order or confirming Bill made thereunder, or in respect of any application for any such order, shall, whether or not the application for the order was made by the board or the council, be defrayed—

(*a*) in the case of a board of conservators, as expenses incurred by them under the Salmon and Freshwater Fisheries Acts; and

(*b*) in the case of a county council, out of the county fund.

7. Consents in Case of Crown and Duchy Foreshore and Land.—Where any portion of the foreshore proposed to be comprised in a provisional order under this Act, or any fishery proposed to be affected by any such order, or any land over which it is proposed to acquire an easement under any such order, belongs to His Majesty in right of the Crown, or forms part of the possessions of the Duchy of Lancaster or the Duchy of Cornwall, the Board of Agriculture and Fisheries shall not make the Order—

(*a*) In the case of any foreshore under the management of the Commissioners of Woods, or of any fishery or land belonging to His Majesty in right of the Crown, without the consent of the Commissioners of Woods, or one of them;

(*b*) In the case of any foreshore under the management of the Board of Trade, without the consent of the Board of Trade;

(*c*) In the case of any foreshore or fishery or land forming part of the possessions of the Duchy of Lancaster, without the consent of the Chancellor of the Duchy;

(*d*) In the case of any foreshore or fishery or land forming part of the possessions of the Duchy of Cornwall, without the consent of the Duke of Cornwall, or other the persons for the time being empowered to dispose for any purpose of the lands of the Duchy.

8. Short Title, Extent, and Construction.—(1) This Act may be cited as the Salmon and Freshwater Fisheries Act, 1907, and may be cited with the Salmon and Freshwater Fisheries Acts, 1861 to 1892.

(2) This Act shall not apply to Scotland (except the River Esk, in Dumfriesshire, and its tributaries) or to Ireland, or to the River Tweed, as defined by bye-law under the Salmon Fisheries (Scotland) Act, 1862 (25 and 26 Vict. c. 97), or to its tributaries.

(3) In this Act the expression "Salmon and Freshwater Fisheries Acts" means the Salmon and Freshwater Fisheries Acts, 1861 to 1892, and the Fisheries (Norfolk and Suffolk) Act, 1896 (59 and 60 Vict. c. 18), and other expressions have the same meaning as in those Acts.

SCHEDULE.

Modifications of the Lands Clauses Acts (s. 2).

The following modifications shall have effect in the construction of the provisions of the Lands Clauses Acts incorporated by this Act for the purposes thereof:—

(*a*) The expression "special Act" means this Act inclusive of any provisional order authorising the compulsory acquisition of any part of the foreshore, except that the period of three years mentioned in section one hundred and twenty-three of

the Lands Clauses Consolidation Act, 1845, shall be calculated from the passing of the Act confirming the provisional order;

(*b*) The expression "the promoters" means the board of conservators constituted by the order; and

(*c*) The expression "land" includes easements in or relating to land.

CHAPTER XVI.

An Act to Facilitate the Admission in Evidence of Statutes passed by the Legislatures of British Possessions and Protectorates, including Cyprus. [21*st August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. PROOF OF STATUTES OF BRITISH POSSESSIONS.—(1) Copies of Acts, ordinances, and statutes passed (whether before or after the passing of this Act) by the Legislature of any British possession, and of orders, regulations and other instruments issued or made, whether before or after the passing of this Act, under the authority of any such Act, ordinance, or statute, if purporting to be printed by the Government printer, shall be received in evidence by all courts of justice in the United Kingdom without any proof being given that the copies were so printed.

(2) If any person prints any copy or pretended copy of any such Act, ordinance, statute, order, regulation or instrument which falsely purports to have been printed by the Government printer, or tenders in evidence any such copy or pretended copy which falsely purports to have been so printed, knowing that it was not so printed, he shall on conviction be liable to be sentenced to imprisonment with or without hard labour for a period not exceeding twelve months.

(3) In this Act—

The expression "Government printer" means, as respects any British possession, the printer purporting to be the printer authorised to print the Acts, ordinances, or statutes of the Legislature of that possession, or otherwise to be the Government printer of that possession:

The expression "British possession" means any part of His Majesty's dominions exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local Legislature, shall include both all parts under the central Legislature and each part under a local Legislature.

(4) Nothing in this Act shall affect the Colonial Laws Validity Act, 1865 (28 and 29 Vict c. 63).

(5) His Majesty may by Order in Council extend this Act to Cyprus and any British protectorate, and where so extended this Act shall apply as if Cyprus or the protectorate were a British possession, and with such other necessary adaptations as may be made by the Order.

2. SHORT TITLE.—This Act may be cited as the Evidence (Colonial Statutes) Act, 1907.

CHAPTER XVII.

PROBATION OF OFFENDERS ACT, 1907.

[7 EDW. 7. CH. 17.]

ARRANGEMENT OF SECTIONS.

Section.
1. Power of courts to permit conditional release of offenders.
2. Probation orders and conditions of recognizances.
3. Probation officers.
4. Duties of probation officers.
5. Power to vary conditions of release.
6. Provision in case of offender failing to observe conditions of release.
7. Power to make rules.
8. Application to Scotland.
9. Application to Ireland.
10. Short title and repeal.
SCHEDULE.

CHAPTER XVII.

An Act to permit the Release on Probation of Offenders in certain cases, and for other matters incidental thereto. [21*st August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. POWER OF COURTS TO PERMIT CONDITIONAL RELEASE OF OFFENDERS.—(1) Where any person is charged before a court of summary jurisdiction with an offence punishable by such court, and the court thinks that the charge is proved, but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, without proceeding to conviction, make an order either—

(i) dismissing the information or charge ; or

(ii) discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2) Where any person has been convicted on indictment of any offence punishable with imprisonment, and the court is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, in lieu of imposing a sentence of imprisonment, make an order discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(3) The court may, in addition to any such order, order the offender to pay such damages for injury or compensation for loss (not exceeding in the case of a court of summary jurisdiction ten pounds, or, if a higher limit is fixed by any enactment relating to the offence, that higher limit) and to pay such costs of the proceedings as the court thinks reasonable ; and, if the offender is under the age of sixteen years, and it appears to the court that the parent or guardian of the offender has conduced to the commission of the offence, the court may under and in accordance with the Youthful Offenders Act, 1901 (1 Edw. 7 c. 20), order payment of such damages and costs by such parent or guardian.

(4) Where an order under this section is made by a court of summary jurisdiction, the order shall, for the purpose of revesting or restoring stolen property, and of enabling the court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connexion with such restitution or delivery, have the like effect as a conviction.

2. PROBATION ORDERS AND CONDITIONS OF RECOGNIZANCES.—(1) A recognizance ordered to be entered into under this Act shall, if the court so order, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Act referred to as a probation order.

(2) A recognizance under this Act may contain such additional conditions as the court may, having regard to the particular circumstances of the case, order to be inserted therein with respect to all or any of the following matters :—

(*a*) for prohibiting the offender from associating with thieves and other undesirable persons, or from frequenting undesirable places ;

(*b*) as to abstention from intoxicating liquor, where the offence was drunkenness or an offence committed under the influence of drink ;

(*c*) generally for securing that the offender should lead an honest and industrious life.

(2) The court by which a probation order is made shall furnish to the offender a notice in writing stating in simple terms the conditions he is required to observe.

3. PROBATION OFFICERS.—(1) There may be appointed as probation officer or officers for a petty sessional division such person or persons of either sex as the authority having power to appoint a clerk to the justices of that division may determine, and a probation officer when acting under a probation order shall be subject to the control of petty sessional courts for the division for which he is so appointed.

(2) There shall be appointed, where circumstances permit, special probation officers, to be called children's probation officers, who shall, in the absence of any reasons to the contrary, be named in a probation order made in the case of an offender under the age of sixteen.

(3) The person named in any probation order shall,—

(*a*) where the court making the order is a court of summary jurisdiction, be selected from amongst the probation officers for the petty sessional division in or for which the court acts ; or

(*b*) where the court making the order is a court of assize or a court of quarter sessions, be selected from amongst the probation officers for the petty sessional division from which the person charged was committed for trial :

Provided that the person so named may, if the court considers it expedient on account of the place of residence of the offender, or for any other special reason, be a probation officer for some other petty sessional division, and may, if the court considers that the special circumstances of the case render it desirable, be a person who has not been appointed to be probation officer for any petty sessional division.

(4) A probation officer appointed for a petty sessional division may be paid such salary as the authority having the control of the fund out of which the salary of the clerk to the justices of that petty sessional division is paid may determine, and if not so paid by salary may receive such remuneration for acting under a probation order as the court making the order thinks fit, not exceeding such remuneration as may be allowed by the regulations of such authority as aforesaid, and may in either case be paid such out-of-pocket expenses as may be allowed under such regulations as aforesaid, and the salary or remuneration and expenses shall be paid by that authority out of the said funds.

(5) A person named in a probation order not being a probation officer for a petty sessional division may be paid such remuneration and out-of-pocket expenses out of such fund as the court making the probation order may direct, not exceeding such as may be allowed under the regulations of the authority having control of the fund out of which the remuneration is directed to be paid.

(6) The person named in a probation order may at any time be relieved of his duties, and in any such case, or in case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognizance to appear for conviction or sentence, or, if he be a probation officer for a petty sessional division, by a court to whose control that officer is subject.

(7) In the application of this Act to the City of London and the metropolitan police court district, the city and each division of that district shall be deemed to be a petty sessional division.

4. DUTIES OF PROBATION OFFICERS.—It shall be the duty of a probation officer, subject to the directions of the court—

(*a*) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the probation officer may think fit ;

(*b*) to see that he observes the conditions of his recognizance ;

(*c*) to report to the court as to his behaviour ;

(*d*) to advise, assist, and befriend him, and, when necessary, to endeavour to find him suitable employment.

5. POWER TO VARY CONDITIONS OF RELEASE.—The court before which any person is bound by his recognizance under this Act to appear for conviction or sentence may, upon the application of the probation officer, and after notice to the

offender, vary the conditions of the recognizance and may, on being satisfied that the conduct of that person has been such as to make it unneccessary that he should remain longer under supervision, discharge the recognizance.

6. Provision in Case of Offender Failing to Observe Conditions of Release.—(1) If the court before which an offender is bound by his recognizance under this Act to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such court and at such time as may be specified in the summons.

(2) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear for conviction or sentence, be brought before a court of summary jurisdiction.

(3) The court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons as aforesaid, may, if it is not the court before which he is bound by his recognizance to appear for conviction or sentence, remand him to custody or on bail until he can be brought before the last-mentioned court.

(4) An offender so remanded to custody may be committed during remand to any prison to which the court having power to convict or sentence him has power to commit prisoners. In the case of a child or young person under the age of sixteen, he shall, if remanded, be dealt with wherever practicable in accordance with the provisions of section four, subsection one, of the Youthful Offenders Act, 1901.

(5) A court before which a person is bound by his recognizance to appear for conviction and sentence, on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without further proof of his guilt, convict and sentence him for the original offence or, if the case was one in which the court in the first instance might, under section fifteen of the Industrial Schools Act, 1866 (29 and 30 Vict. c. 118), have ordered the offender to be sent to a certified industrial school, and the offender is still apparently under the age of twelve years, make such an order.

7. Power to make Rules.—The Secretary of State may make rules for carrying this Act into effect, and in particular for prescribing such matters incidental to the appointment, resignation, and removal of probation officers, and the performance of their duties, and the reports to be made by them, as may appear necessary.

8. Application to Scotland.—This Act shall apply to Scotland, subject to the following modifications:—

(1) There may be appointed as probation officers for a district being a royal, parliamentary, or police burgh, or a county outwith the police boundaries of any such burgh, such persons as the burgh magistrates may determine for the burgh and the sheriff for the county; and a probation officer when acting under a probation order shall be subject to the control of the burgh police court or sheriff court, as the case may be;

(2) The immediately preceding subsection shall be substituted for subsection one of section three of this Act, and references in this Act to a petty sessional division shall be construed as references to a district;

(3) The expression "court of summary jurisdiction" where occurring in section three of this Act shall include the sheriff sitting with a jury;

(4) "Bond" shall be substituted for "recognizance," the "Secretary for Scotland" shall be substituted for "the Secretary of State," and "the High Court of Justiciary" shall be substituted for "a court of assize or a court of quarter sessions";

(5) The authority having power to regulate the remuneration of probation officers shall be the town council in a burgh and the county council in a county, and such remuneration shall be paid out of the burgh general or police assessment or the county general assessment, as the case may be.

9. Application to Ireland.—In the application of this Act to Ireland "Lord Lieutenant" shall be substituted for "Secretary of State," and each division of the police district of Dublin metropolis shall be deemed to be a petty sessional division.

10. SHORT TITLE AND REPEAL.—(1) This Act may be cited as the Probation of Offenders Act, 1907.

(2) The enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

(3) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

SCHEDULE.

ENACTMENTS REPEALED (S. 10).

Session and Chapter.	Short Title.	Extent of Repeal.
42 and 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879	Section sixteen.
50 and 51 Vict. c. 25.	The Probation of First Offenders Act, 1887 . . .	The whole Act.
1 Edw. 7. c. 20	The Youthful Offenders Act, 1901	Section twelve.

CHAPTER XVIII.

An Act to amend the Married Women's Property Act, 1882. [21*st August* 1907.]

CHAPTER XIX.

An Act to enable portion of a term of imprisonment in Ireland to be remitted as a reward for good conduct. [21*st August* 1907.]

CHAPTER XX.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and eight, and to appropriate the Supplies granted in this Session of Parliament. [21*st August* 1907.]

CHAPTER XXI.

BUTTER AND MARGARINE ACT, 1907.

[7 EDW. 7. CH. 21.]

ARRANGEMENT OF SECTIONS.

Section.
1. Registration of factories and consignments.
2. Inspection of factories.
3. Prohibition of adulterants in butter factories.
4. Limit of moisture in butter, margarine, and milk-blended butter.
5. Provisions as to the importation of butter, margarine, and milk-blended butter.
6. Regulations as to milk-solids in butter.
7. Regulations as to preservatives.
8. Marking of wrappers, etc., used in connection with margarine.
9. Regulation of sale of milk-blended butter.
10. Names of margarine, etc.
11. Penalties for offences.
12. Amendment of section eight of Margarine Act, 1887.
13. Definition of margarine.
14. Short title, construction, and commencement.

CHAPTER XXI.

An Act to make further provision with respect to the Manufacture, Importation, and Sale of Butter and Margarine and similar Substances. [21*st August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. REGISTRATION OF FACTORIES AND CONSIGNMENTS.—(1) The provisions of section nine of the Margarine Act, 1887 (50 and 51 Vict. c. 29), as amended by section seven of the Sale of Food and Drugs Act, 1899 (62 and 63 Vict. c. 51), relating to the registration of manufactories of margarine, shall, with the necessary adaptations, apply to—

(*a*) Butter factories, that is to say, any premises on which by way of trade butter is blended, reworked, or subjected to any other treatment, but not so as to cease to be butter ; and

(*b*) Any premises on which there is manufactured any milk-blended butter (that is to say, any mixture produced by mixing or blending butter with milk or cream other than condensed milk or cream) or on which there is carried on the business of a wholesale dealer in milk-blended butter.

(2) The provisions of section seven of the Sale of Food and Drugs Act, 1899, relating to registers of consignments of margarine, shall, with the necessary adaptations, apply to consignments of milk-blended butter.

(3) Premises shall not be used as a butter factory if they form part of or communicate, otherwise than by a public street or road, with any other premises which are required to be registered under the Sale of Food and Drugs Acts or under paragraph (*b*) of this section, and if any premises are so used the occupier thereof shall be guilty of an offence under this Act, and the local authority shall remove from the register of butter factories kept by them any premises used as a butter factory contrary to this provision :

Provided that this subsection shall not apply to premises which on the first day of January one thousand nine hundred and seven were being used as a butter factory and formed part of or communicated with premises which were then registered under the Sale of Food and Drugs Acts, if and so long as the Board of Agriculture and Fisheries so direct.

2. INSPECTION OF FACTORIES.—(1) Any officer of the Board of Agriculture and Fisheries or of the Local Government Board shall have power to enter at all reasonable times any premises registered under the Sale of Food and Drugs Acts or this Act, and to inspect any process of manufacture, blending, reworking, or treatment used therein, and to take samples for analysis of any butter, margarine, margarine cheese, milk-blended butter, or of any article capable of being used in the manufacture, treatment, or adulteration of any such article as aforesaid.

(2) An officer of a local authority who is authorised to procure samples under the Sale of Food and Drugs Acts shall, if specially authorised in that behalf by the local authority, have the like powers of entry, inspection, and sampling as regards any premises registered with the authority as a butter factory.

(3) If the Board of Agriculture and Fisheries have reason to believe—

(*a*) that on any unregistered premises there is carried on any process of manufacture, blending, reworking, or treatment or any wholesale dealing which under the Sale of Food and Drugs Acts or this Act cannot be carried on except on registered premises ; or

(*b*) that on any premises butter is by way of trade either made or stored, and that for the purposes of those Acts inspection is desirable,

the Board may specially authorise any officer of the Board to enter the premises, and in such case the officer shall have the like powers of entry, inspection, and sampling as if the premises were registered.

(4) Where under this section a special authority is required, an officer of the Board or of a local authority shall not be entitled to exercise any of his powers under this section unless, if so requested by or on behalf of the occupier of the premises to be entered, he produces his authority.

(5) Subsection (2) of section seven of the Sale of Food and Drugs Act, 1899, is hereby repealed.

3. PROHIBITION OF ADULTERANTS IN BUTTER FACTORIES.—If any substance intended to be used for the adulteration of butter is found in any butter factory, the occupier of the factory shall be guilty of an offence under this Act, and if any oil or fat capable of being so used is found it shall be deemed to be intended to be so used, unless the contrary is proved.

4. LIMIT OF MOISTURE IN BUTTER, MARGARINE, AND MILK-BLENDED BUTTER.—(1) If any butter which, when prepared for sale or consignment, contains more than sixteen per cent. of water is in any butter factory, or if any margarine which, when prepared for sale or consignment, contains more than sixteen per cent. of water is in any margarine factory, or if any such butter or margarine is consigned from a butter factory or margarine factory, the occupier of the factory or consignor, as the case may be, shall (whether the excess of moisture is due to adulteration or not) be guilty of an offence under this Act, unless the occupier or consignor proves to the satisfaction of the court that the butter or margarine was not made, blended, reworked, or treated in the factory.

(2) Any person who manufactures, sells, or exposes or offers for sale, or has in his possession for the purpose of sale, any milk-blended butter which contains more than twenty-four per cent. of water, shall be guilty of an offence under this Act.

5. PROVISIONS AS TO THE IMPORTATION OF BUTTER, MARGARINE, AND MILK-BLENDED BUTTER.—(1) There shall be included in the list of articles importation of which is made an offence by section one of the Sale of Food and Drugs Act, 1899, the following articles:—

(*e*) Butter containing more than sixteen per cent. of water;

(*f*) Margarine containing more than sixteen per cent. of water, or more than ten per cent. of butter fat;

(*g*) Milk-blended butter containing more than twenty-four per cent. of water;

(*h*) Milk-blended butter, except in packages conspicuously marked with such name as may be approved by the Board of Agriculture and Fisheries for the purpose;

(*j*) Butter, margarine, or milk-blended butter which contains a preservative prohibited by any regulation made under this Act, or an amount of a preservative in excess of the limit allowed by any such regulation;

and in the said section the words "adulterated or impoverished butter (other than margarine) or," and the words "butter or" shall be repealed.

(2) The maximum fine for an offence under the said section one, as amended by this section, shall, where the article in respect of which the offence was committed is butter, margarine, margarine cheese, or milk-blended butter, be either such as is provided in the said section one, or, at the election of the Commissioners of Customs, a fine equal to the value of the goods imported bearing the same mark or description, to be estimated and taken according to the rate and price for which goods of the like kind but of the best quality were sold at or about the time of the importation.

(3) In any proceeding under the said section one as amended by this section the certificate of the principal chemist of the Government Laboratories, or, if the person who made the analysis be called as a witness, the evidence of that person, that an imported substance is margarine or milk-blended butter shall raise a presumption, until the contrary is proved, that the substance is margarine or milk-blended butter, and the defendant shall not be entitled to require the person who made the analysis to be called as a witness unless he shall, at least three clear days before the return day, give notice to the prosecutor that he requires his attendance, and deposit with the prosecutor a sum sufficient to cover the reasonable costs and expenses of his attendance, which costs and expenses shall be paid by the defendant in the event of his conviction.

(4) Where a sample taken under the said section one as amended by this section is certified by the principal chemist to be margarine or milk-blended butter the Commissioners of Customs shall upon receiving the certificate forthwith notify the importer thereof.

6. Regulations as to Milk-Solids in Butter.—The power of making regulations under section four of the Sale of Food and Drugs Act, 1899, shall extend to making regulations as to the proportion of any milk-solid other than milk-fat in any sample of butter or milk-blended butter.

7. Regulations as to Preservatives.—(1) The Local Government Board may, after such inquiry as they deem necessary, make regulations for prohibiting the use as a preservative of any substance specified in such regulations in the manufacture or preparation for sale of butter, margarine, or milk-blended butter, or for limiting the extent to which, either generally or as regards any particular substance or substances, preservatives may be used in the manufacture or preparation for sale of butter, margarine, or milk-blended butter.

(2) Any regulations made under this section shall be notified in the London, Edinburgh, or Dublin Gazette as the case may require, and shall also be made known in such other manner as the Local Government Board may direct.

(3) Any person who manufactures, sells, or exposes or offers for sale, or has in his possession for the purpose of sale, any butter, margarine, or milk-blended butter which contains a preservative prohibited by a regulation under this section, or an amount of a preservative in excess of the limit allowed by any such regulation, shall be guilty of an offence under this Act.

8. Marking of Wrappers, etc., used in Connexion with Margarine.—If in any wrapper enclosing margarine, or on any package containing margarine, or on any label attached to a parcel of margarine, or in any advertisement or invoice of margarine a person dealing in margarine describes it by any name other than either "margarine," or a name combining the word "margarine" with a fancy or other descriptive name approved by the Board of Agriculture and Fisheries and printed in type not larger than and in the same colour as the word "margarine," he shall be guilty of an offence under this Act.

9. Regulation of Sale of Milk-blended Butter.—(1) Milk-blended butter shall be dealt with under such name or names as may be approved by the Board of Agriculture and Fisheries and under the conditions applicable to the sale or description of margarine, with the substitution of an approved name for the word "margarine," and with this modification, that, in any case where, in order to comply with those conditions, the article is delivered to the purchaser in a wrapper, there shall, in addition to the approved name, be printed on the wrapper in such manner as the Board approve such description of the article, setting out the percentage of moisture or water contained therein, as may be approved by the Board.

(2) Milk-blended butter, whenever forwarded by any public conveyance, shall be duly consigned under the name which, as respects the article consigned, has been approved by the Board under this section; subject to this modification, section eight of the Margarine Act, 1887, shall apply to milk-blended butter in like manner as it applies to margarine.

(3) If any person deals with, sells, or exposes or offers for sale, or has in his possession for the purpose of sale, or describes any milk-blended butter contrary to the provisions of this section, he shall be guilty of an offence under this Act, but any defence which would be a defence under section seven of the Margarine Act, 1887, as respects margarine, shall be a defence under this section as respects milk-blended butter.

10. Names of Margarine, etc.—A name shall not be approved by the Board of Agriculture and Fisheries for use in connexion with margarine if it refers to or is suggestive of butter or anything connected with the dairy interest, nor shall such a name be approved as a name under which milk-blended butter may be imported or dealt with.

11. Penalties for Offences.—(1) Any person guilty of an offence under this Act shall be liable on conviction under the Summary Jurisdiction Acts for a first offence to a fine not exceeding twenty pounds, and for a second offence to a fine not exceeding fifty pounds, and for a third or any subsequent offence to a fine not exceeding one hundred pounds, and in cases where imprisonment can be inflicted under section seventeen of the Sale of Food and Drugs Act, 1899, to such imprisonment as is by that section authorised.

(2) Section five of the Margarine Act, 1887 (which exempts employers from liability in certain cases), and section eleven of the same Act (which relates to the appropriation of penalties), and section twelve of the same Act (which relates to proceedings under that Act), shall apply to proceedings under this Act, with the substitution of references to this Act for references to the Margarine Act, 1887.

12. AMENDMENT OF SECT. 8 OF MARGARINE ACT, 1887.—Except in the Administrative County of London, section eight of the Margarine Act, 1887, shall have effect as if the words "inspector of weights and measures" were inserted after the word "nuisances."

13. DEFINITION OF MARGARINE.—(1) For the purposes of the Sale of Food and Drugs Acts and this Act the expression "margarine" shall mean any article of food, whether mixed with butter or not, which resembles butter and is not milk-blended butter.

(2) The above definition shall be substituted for the definition of margarine in the Margarine Act, 1887.

14. SHORT TITLE, CONSTRUCTION, AND COMMENCEMENT.—(1) This Act may be cited as the Butter and Margarine Act, 1907, and shall be construed as one with the Sale of Food and Drugs Act, 1899, and may be cited with the Sale of Food and Drugs Acts as the Sale of Food and Drugs Acts, 1875 to 1907.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

CHAPTER XXII.

An Act to amend the Law relating to Clerks of Petty Sessions in Ireland. [21*st August* 1907.]

CHAPTER XXIII.

An Act to establish a Court of Criminal Appeal and to amend the Law relating to Appeals in Criminal Cases. [28*th August* 1907.]

CHAPTER XXIV.

LIMITED PARTNERSHIPS ACT, 1907.

[7 EDW. 7. CH. 24.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Definition and constitution of limited partnership.
5. Registration of limited partnership required.
6. Modifications of general law in case of limited partnerships.
7. Law as to private partnerships to apply where not excluded by this Act.
8. Manner and particulars of registration.
9. Registration of changes in partnerships.
10. Advertisement in Gazette of statement of general partner becoming a limited partner and of assignment of share of limited partner.
11. Ad valorem stamp duty on contributions by limited partners
12. Making false returns to be misdemeanor.
13. Registrar to file statement and issue certificate of registration.
14. Register and index to be kept.
15. Registrar of joint stock companies to be registrar under Act.
16. Inspection of statements registered.
17. Power to Board of Trade to make rules.

CHAPTER XXIV.

An Act to establish Limited Partnerships. [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. SHORT TITLE.—This Act may be cited for all purposes as the Limited Partnerships Act, 1907.

2. COMMENCEMENT OF ACT.—This Act shall come into operation on the first day of January one thousand nine hundred and eight.

3. INTERPRETATION OF TERMS.—In the construction of this Act the following words and expressions shall have the meanings respectively assigned to them in this section, unless there be something in the subject or context repugnant to such construction:—

"Firm," "firm name," and "business" have the same meanings as in the Partnership Act, 1890 (53 and 54 Vict. c. 39).

"General partner" shall mean any partner who is not a limited partner as defined by this Act.

4. DEFINITION AND CONSTITUTION OF LIMITED PARTNERSHIP.—(1) From and after the commencement of this Act limited partnerships may be formed in the manner and subject to the conditions by this Act provided.

(2) A limited partnership shall not consist, in the case of a partnership carrying on the business of banking, of more than ten persons, and, in the case of any other partnership, of more than twenty persons, and must consist of one or more persons called general partners, who shall be liable for all debts and obligations of the firm, and one or more persons to be called limited partners, who shall at the time of entering into such partnership contribute thereto a sum or sums as capital or property valued at a stated amount, and who shall not be liable for the debts or obligations of the firm beyond the amount so contributed.

(3) A limited partner shall not during the continuance of the partnership, either directly or indirectly, draw out or receive back any part of his contribution, and if he does so draw out or receive back any such part shall be liable for the debts and obligations of the firm up to the amount so drawn out or received back.

(4) A body corporate may be a limited partner.

5. REGISTRATION OF LIMITED PARTNERSHIP REQUIRED.—Every limited partnership must be registered as such in accordance with the provisions of this Act, or in default thereof it shall be deemed to be a general partnership, and every limited partner shall be deemed to be a general partner.

6. MODIFICATIONS OF GENERAL LAW IN CASE OF LIMITED PARNERSHIPS.—(1) A limited partner shall not take part in the management of the partnership business, and shall not have power to bind the firm:

Provided that a limited partner may by himself or his agent at any time inspect the books of the firm and examine into the state and prospects of the partnership business, and may advise with the partners thereon.

If a limited partner takes part in the management of the partnership business he shall be liable for all debts and obligations of the firm incurred while he so takes part in the management as though he were a general partner.

(2) A limited partnership shall not be dissolved by the death or bankruptcy of a limited partner, and the lunacy of a limited partner shall not be a ground for dissolution of the partnership by the court unless the lunatic's share cannot be otherwise ascertained and realised.

(3) In the event of the dissolution of a limited partnership its affairs shall be wound up by the general partners unless the court otherwise orders.

(4) Applications to the court to wind up a limited partnership shall be by petition under the Companies Acts, 1862 to 1900, and the provisions of those Acts relating to the winding-up of companies by the court and of the rules made thereunder (including provisions as to fees) shall, subject to such modifications (if any) as the Lord Chancellor, with the concurrence of the President of the Board of Trade, may

by rules provide, apply to the winding-up by the court of limited partnerships, with the substitution of general partners for directors.

(5) Subject to any agreement expressed or implied between the partners—

(*a*) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the general partners;

(*b*) A limited partner may, with the consent of the general partners, assign his share in the partnership, and upon such an assignment the assignee shall become a limited partner with all the rights of the assignor;

(*c*) The other partners shall not be entitled to dissolve the partnership by reason of any limited partner suffering his share to be charged for his separate debt;

(*d*) A person may be introduced as a partner without the consent of the existing limited partners;

(*e*) A limited partner shall not be entitled to dissolve the partnership by notice.

7. LAW AS TO PRIVATE PARTNERSHIPS TO APPLY WHERE NOT EXCLUDED BY THIS ACT.—Subject to the provisions of this Act, the Partnership Act, 1890 (53 and 54 Vict. c. 39), and the rules of equity and of common law applicable to partnerships, except so far as they are inconsistent with the express provisions of the last-mentioned Act, shall apply to limited partnerships.

8. MANNER AND PARTICULARS OF REGISTRATION.—The registration of a limited partnership shall be effected by sending by post or delivering to the registrar at the register office in that part of the United Kingdom in which the principal place of business of the limited partnership is situated or proposed to be situated a statement signed by the partners containing the following particulars:—

(*a*) The firm name;

(*b*) The general nature of the business;

(*c*) The principal place of business;

(*d*) The full name of each of the partners;

(*e*) The term, if any, for which the partnership is entered into, and the date of its commencement;

(*f*) A statement that the partnership is limited, and the description of every limited partner as such;

(*g*) The sum contributed by each limited partner, and whether paid in cash or how otherwise.

9. REGISTRATION OF CHANGES IN PARTNERSHIPS.—(1) If during the continuance of a limited partnership any change is made or occurs in—

(*a*) the firm name,

(*b*) the general nature of the business,

(*c*) the principal place of business,

(*d*) the partners or the name of any partner,

(*e*) the term or character of the partnership,

(*f*) the sum contributed by any limited partner,

(*g*) the liability of any partner by reason of his becoming a limited instead of a general partner or a general instead of a limited partner,

a statement, signed by the firm, specifying the nature of the change shall within seven days be sent by post or delivered to the registrar at the register office in that part of the United Kingdom in which the partnership is registered.

(2) If default is made in compliance with the requirements of this section each of the general partners shall on conviction under the Summary Jurisdiction Acts be liable to a fine not exceeding one pound for each day during which the default continues.

10. ADVERTISEMENT IN GAZETTE OF STATEMENT OF GENERAL PARTNER BECOMING A LIMITED PARTNER AND OF ASSIGNMENT OF SHARE OF LIMITED PARTNER.—(1) Notice of any arrangement or transaction under which any person will cease to be a general partner in any firm, and will become a limited partner in that firm, or under which the share of a limited partner in a firm will be assigned to any person, shall be forthwith advertised in the Gazette, and until notice of the arrangement or transaction is so advertised, the arrangement or transaction shall, for the purposes of this Act, be deemed to be of no effect.

(2) For the purposes of this section, the expression "the Gazette" means—

In the case of a limited partnership registered in England, the London Gazette;

In the case of a limited partnership registered in Scotland, the Edinburgh Gazette;
In the case of a limited partnership registered in Ireland, the Dublin Gazette.

11. Ad Valorem Stamp Duty on Contributions by Limited Partners.—The statement of the amount contributed by a limited partner, and a statement of any increase in that amount, sent to the registrar for registration under this Act, shall be charged with an ad valorem stamp duty of five shillings for every one hundred pounds, and any fraction of one hundred pounds over any multiple of one hundred pounds, of the amount so contributed, or of the increase of that amount, as the case may be; and in default of payment of stamp duty thereon as herein required, the duty with interest thereon at the rate of five per cent. per annum from the date of delivery of such statement shall be a joint and several debt to His Majesty, recoverable from the partners, or any of them, in the said statements named, or, in the case of an increase, from all or any of the said partners whose discontinuance in the firm shall not, before the date of delivery of such statement of increase, have been duly notified to the registrar.

12. Making False Returns to be Misdemeanor.—Every one commits a misdemeanor, and shall be liable to imprisonment with hard labour for a term not exceeding two years, who makes, signs, sends, or delivers for the purpose of registration under this Act any false statement known by him to be false.

13. Registrar to File Statement and Issue Certificate of Registration.—On receiving any statement made in pursuance of this Act the registrar shall cause the same to be filed, and he shall send by post to the firm from whom such statement shall have been received a certificate of the registration thereof.

14. Register and Index to be Kept.—At each of the register offices hereinafter referred to the registrar shall keep, in proper books to be provided for the purpose, a register and an index of all the limited partnerships registered as aforesaid, and of all the statements registered in relation to such partnerships.

15. Registrar of Joint Stock Companies to be Registrar under Act.—The registrar of joint stock companies shall be the registrar of limited partnerships, and the several offices for the registration of joint stock companies in London, Edinburgh, and Dublin shall be the offices for the registration of limited partnerships carrying on business within those parts of the United Kingdom in which they are respectively situated.

16. Inspection of Statements Registered.—(1) Any person may inspect the statements filed by the registrar in the register offices aforesaid, and there shall be paid for such inspection such fees as may be appointed by the Board of Trade, not exceeding one shilling for each inspection; and any person may require a certificate of the registration of any limited partnership, or a copy of or extract from any registered statement, to be certified by the registrar, and there shall be paid for such certificate of registration, certified copy, or extract, such fees as the Board of Trade may appoint, not exceeding two shillings for the certificate of registration, and not exceeding sixpence for each folio of seventy-two words, or in Scotland for each sheet of two hundred words.

(2) A certificate of registration, or a copy of or extract from any statement registered under this Act, if duly certified to be a true copy under the hand of the registrar or one of the assistant registrars (whom it shall not be necessary to prove to be the registrar or assistant registrar) shall, in all legal proceedings, civil or criminal, and in all cases whatsoever, be received in evidence.

17. Power to Board of Trade to make Rules.—The Board of Trade may make rules (but as to fees with the concurrence of the Treasury) concerning any of the following matters:—

(*a*) The fees to be paid to the registrar under this Act, so that they do not exceed in the case of the original registration of a limited partnership the sum of two pounds, and in any other case the sum of five shillings;

(*b*) The duties or additional duties to be performed by the registrar for the purposes of this Act;

(*c*) The performance by assistant registrars and other officers of acts by this Act required to be done by the registrar;

(*d*) The forms to be used for the purposes of this Act;

(*e*) Generally the conduct and regulation of registration under this Act and any matters incidental thereto.

CHAPTER XXV.

An Act for amending the Law relating to the Administration of Oaths for the purpose of Proceedings in Prize Courts. [28*th August* 1907.]

CHAPTER XXVI.

An Act to amend the Law with respect to Customs Duties in the Isle of Man. [28*th August* 1907.]

CHAPTER XXVII.

ADVERTISEMENTS REGULATION ACT, 1907.

[7 EDW. 7. CH. 27.]

ARRANGEMENT OF SECTIONS.

Section.
1. Short title.
2. Local authorities to have power to make byelaws for regulation of advertisements.
3. Byelaws to be confirmed by Secretary of State.
4. Expenses.
5. Powers of Act to be in addition to any existing powers.
6. Application to Scotland.
7. Definition.
8. Enforcement of byelaws of London County Council.
9. Application to Ireland.
10. Penalties.

CHAPTER XXVII.

An Act to authorise Local Authorities to make Byelaws respecting the Exhibition of Advertisements. [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. SHORT TITLE.—This Act may be cited as the Advertisements Regulation Act, 1907.

2. LOCAL AUTHORITIES TO HAVE POWER TO MAKE BYELAWS FOR REGULATION OF ADVERTISEMENTS.—Any local authority may make byelaws—

(1) For the regulation and control of hoardings and similar structures used for the purpose of advertising when they exceed twelve feet in height:

(2) For regulating, restricting, or preventing the exhibition of advertisements in such places and in such manner, or by such means, as to affect injuriously the amenities of a public park or pleasure promenade, or to disfigure the natural beauty of a landscape:

Provided that a local authority in making byelaws under this section shall provide for the exemption from the operation of such byelaws of any hoardings and similar structures in use for advertising purposes at the time of the making of the byelaws, and of any advertisements exhibited at that time, for such period, not being less than five years from that time, as they may think fit.

3. BYELAWS TO BE CONFIRMED BY SECRETARY OF STATE.—(1) A byelaw made under this Act shall not have any effect until confirmed by the Secretary of State, and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State may by general or special order direct.

(2) The Secretary of State shall, before confirming any byelaw, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any byelaw, order that a local inquiry be held with respect to the byelaw or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary

of State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the local authority making the byelaw.

(4) Byelaws made under this Act may apply either to the whole of the area of the local authority, or to any specified part thereof.

(5) Byelaws made by a county council shall not be of any force or effect within any borough or urban district the council of which is a local authority under this Act.

(6) The production of a copy of any byelaw certified by a person purporting to be the clerk of the local authority to be a true copy shall, until the contrary is proved, be evidence of the byelaw and of the due making thereof, and, if it is so stated in the certificate, of the byelaw having been duly confirmed.

4. Expenses.—Any expenses incurred by a local authority in England or Ireland in carrying into effect the provisions of this Act or any byelaw made thereunder shall be defrayed in the case of a county out of the county fund, in the case of the city of London out of the consolidated rate of that city, in the case of a borough out of the borough fund or borough rate, and in the case of an urban district as part of the general expenses incurred in the execution of the Public Health Acts: Provided that a county council shall not raise any sum on account of their expenses under this Act within any borough or urban district the council of which is a local authority under this Act.

5. Powers of Act to be in Addition to any Existing Powers.—The powers and provisions of this Act shall be deemed to be in addition to and not in derogation of any powers and provisions of any local Act, and any powers of making byelaws under any general Act and any such powers and provisions may be exercised and enforced in the same manner as if this Act had not been passed.

6. Application to Scotland.—In the application of this Act to Scotland—

(1) The Secretary for Scotland shall be substituted for the Secretary of State:

(2) Byelaws made by a county council shall not be of any force or effect within a royal, parliamentary, or police burgh:

(3) A county council may make byelaws under this Act for preventing the affixing or otherwise exhibiting advertisements upon any wall, tree, fence, gate, or elsewhere on private property, without the consent of either the owner or occupier previously given in writing, or except by virtue of some other sufficient legal authority:

(4) The section of this Act relating to expenses shall apply with the substitution of "general purposes rate" for "county fund," "royal, parliamentary, or police burgh" for "borough," and "burgh general or police assessment" for "borough fund or borough rate."

7. Definition.—For the purposes of this Act the expression "local authority" means—

(1) Within the city of London, the mayor, aldermen, and commons of that city, in common council assembled:

(2) Within any municipal borough in England, the council of that borough:

(3) Within any royal, parliamentary, or police burgh in Scotland, the town council:

(4) Within any urban district in England containing a population according to the last census for the time being of over ten thousand, and within any urban district in Ireland containing a population according to the last census for the time being of over five thousand, the council of that district:

(5) Elsewhere in England, Scotland, or Ireland, the county council.

8. Enforcement of Byelaws of London County Council.—It shall be the duty of every metropolitan borough council to enforce within its own area any byelaws made by the London County Council under paragraph (1) of section two of this Act.

9. Application to Ireland.—In the application of this Act to Ireland the Lord Lieutenant, acting with the advice of the Privy Council, shall be substituted for the Secretary of State, the Public Health (Ireland) Acts, 1878 to 1900, shall be substituted for the Public Health Acts, and any references to a borough shall not have effect.

10. Penalties.—If any person acts in contravention of or fails to comply with any byelaw made under this Act, he shall be liable on summary conviction to a penalty not exceeding five pounds, and to a penalty not exceeding twenty shillings for every day during which the offence is continued after his conviction thereof.

CHAPTER XXVIII.

PATENTS AND DESIGNS (AMENDMENT) ACT, 1907.

[7 EDW. 7. CH. 28.]

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CHAPTER XXVIII.

An Act to amend the Law relating to Patents and Designs. [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PATENTS.

1. GRANT OF PATENTS TO TWO OR MORE PERSONS.—Where, after the commencement of this Act, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his personal estate.

2. AMENDMENT OF 46 AND 47 VICT. C. 57, S. 5.—Subsections (3) and (4) of section five of the Patents, Designs, and Trade Marks Act, 1883 (which Act, as amended by any subsequent enactment, is hereinafter referred to as the principal Act), shall be repealed and in lieu thereof shall be substituted the following:—

"(3) A provisional specification must describe the nature of the invention;

"(4) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed;

"(4A) In the case of any provisional or complete specification where the comptroller deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification."

3. DEPOSIT OF SAMPLES IN THE CASE OF CHEMICAL INVENTIONS.—The following paragraph shall be inserted in section five of the principal Act:—

"(6) Where the invention in respect of which an application is made is a chemical invention, such typical samples and specimens as may be prescribed shall, if in any particular case the comptroller considers it desirable so to require, be furnished before the acceptance of the complete specification."

4. SUPPLEMENTARY PROVISIONAL SPECIFICATIONS.—Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the comptroller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon. Such patent shall bear the date of the earliest of such applications, but, in considering the validity of the same and for the purposes of section eleven of the principal Act as modified by this Act, the court or the comptroller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed therein.

5. PATENTS OF ADDITION.—(1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a

further patent in respect of any improvement on or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

(2) Where an application containing such a request is made, a patent (hereinafter referred to as a patent of addition) may be granted for such term as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

6.—EXTENSION OF 2 EDW. 7 C. 34, S. 1, TO SPECIFICATIONS PUBLISHED SUBSEQUENTLY TO APPLICATION.—(1) An investigation under section one of the Patents Act, 1902, shall extend to specifications published after the date of the application in respect of which the investigation is made, and being specifications which have been deposited pursuant to prior applications; and that section shall, subject to rules under the principal Act, have effect accordingly.

(2) Where, on such an extended investigation, it appears that the invention claimed in the specification deposited pursuant to an application is wholly or in part claimed in any published specification deposited pursuant to a prior application, the applicant shall, whether or not his specification has been accepted or a patent granted to him, be afforded such facilities as may be prescribed for amending his specification, and in the event of his failing to do so the comptroller shall, in accordance with such procedure as may be prescribed, determine what reference, if any, to other specifications ought to be made in his specification by way of notice to the public.

(3) For the purposes of this section an application shall be deemed to be prior to another application if the patent applied for when granted would be of prior date to the patent granted pursuant to that other application.

(4) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

7. AMENDMENT OF 2 EDW. 7 C. 34, S. 1 (6).—The following proviso shall be added to subsection (6) of section one of the Patents Act, 1902:—

"Provided that the comptroller, if satisfied that the invention claimed has been wholly and specifically claimed in any specification to which the investigation has extended, may, in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant a patent."

8. POWER TO POSTDATE APPLICATION IN CASES OF DISCOMFORMITY.—The following subsection shall be added after subsection (3) of section nine of the principal Act, which relates to the comparison of provisional with complete specifications:—

"(3A) If the examiner reports that the invention described in the complete specification is not substantially the same as that which is described in the provisional specification, the comptroller may, with the consent of the applicant, instead of refusing to accept the complete specification, cancel the provisional specification and treat the application as having been made on the date at which the complete specification was left, and the application shall have effect as if made on that date:

"Provided that where the complete specification includes an invention not included in the provisional specification, the comptroller may allow the original application to proceed so far as the invention included both in the provisional and in the complete specification is concerned, and treat the claim for the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left."

9. DISCONFORMITY.—A patent shall not be held invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant was the first and true inventor thereof.

10. GROUNDS OF OPPOSITION.—In subsection (1) of section eleven of the principal Act (which relates to the grounds on which the grant of a patent may be opposed), for the words "on the ground that the invention has been patented in this country on an application of prior date" there shall be substituted the words "on the ground that the invention has been claimed in any complete specification for a British patent which is or will be of prior date to the patent the grant of which is opposed, other than a specification deposited pursuant to an application made more than fifty years before the date of the application for such last-mentioned patent, or on the ground that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification."

11. EXTENSION OF PERIOD FOR SEALING PATENTS IN CERTAIN CASES.—(1) Where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within the period allowed by section twelve of the principal Act, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed.

(2) APPLICATIONS FOR EXTENSION OF TIME FOR PAYMENT OF FEES, ETC.—In such cases as may be prescribed and subject to the prescribed conditions this section shall apply where the period allowed for the sealing of the patent has expired before the commencement of this Act.

12. Where an application is made for an extension of time under section seventeen of the principal Act, it shall not be necessary for the patentee to allege or prove the cause of his failure to pay the prescribed fee within the prescribed time, and where under that section or under section three of the Patents, Designs and Trade Marks (Amendment) Act, 1885 (48 and 49 Vict. c. 63), an application is made for an extension of time, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the full amount applied for, not exceeding the amount which he is entitled to grant under those sections.

13. AMENDMENT OF SPECIFICATION BY DISCLAIMERS.—The following section shall be substituted for section nineteen of the principal Act:—

"In any action for infringement of a patent or proceedings before the court for the revocation of a patent, the court may by order allow the patentee to amend his specification by way of disclaimer in such manner and subject to such terms as to costs, advertisement, or otherwise, as the court may think fit:

"Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the court, notice of the application shall be given to the comptroller, and the comptroller shall have the right to appear and be heard, and shall appear if so directed by the court."

14. POWER OF COMPTROLLER TO REVOKE PATENTS ON CERTAIN GROUNDS.—(1) Any person who would have been entitled to oppose the grant of a patent, or is the successor in interest of a person who was so entitled, may, within two years from the date of the patent, in the prescribed manner apply to the comptroller for an order revoking the patent on any one or more of the grounds on which the grant of the patent might have been opposed:

Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any court, an application under this section shall not be made except with the leave of the Court.

(2) The comptroller shall give notice of the application to the patentee, and after hearing the parties, if desirous of being heard, may make an order revoking the patent or requiring the specification relating thereto to be amended by disclaimer, correction, or explanation, or dismissing the application; but the comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.

(3) A patentee may at any time by giving notice in the prescribed manner to the comptroller offer to surrender his patent, and the comptroller may, if after giving

notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court.

15. REVOCATION OF PATENTS WORKED OUTSIDE THE UNITED KINGDOM.—(1) At any time not less than four years after the date of a patent, and not less than one year after the passing of this Act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom.

(2) The comptroller shall consider the application, and, if after inquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either—

(*a*) forthwith; or

(*b*) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

(3) If within the time limited in the order the patented article or process is not manufactured or carried on within the United Kingdom to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the comptroller may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court, and on any such appeal the law officer, or such other counsel as he may appoint, shall be entitled to appear and be heard.

16. COMPULSORY LICENCES.—(1) Petitions for the grant of a compulsory licence or for the revocation of a patent under section three of the Patents Act, 1902, shall be referred by the Board of Trade to the court instead of to the Judicial Committee of the Privy Council, and accordingly in that section for references to the Judicial Committee there shall be substituted references to the court, and for references to Orders in Council there shall be substituted references to orders of the court, and subsections (8), (9) and (10) of that section shall be repealed.

(2) In lieu of subsections (5) and (6) of the same section the following subsection shall be substituted:—

"(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

"(*a*) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article or any parts thereof which are necessary for its efficient working or to carry on the patented process to an adequate extent or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry, in the United Kingdom is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

"(*b*) if any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working the patented process."

17. PROCEDURE ON PETITIONS FOR EXTENSION OF TERM OF PATENT.—The following section shall be substituted for section twenty-five of the principal Act:—

"(1) A patentee may, after advertising in manner provided by rules of the Supreme Court his intention to do so, present a petition to the court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent;

"(2) Any person may give notice to the court of objection to the extension;

"(3) On the hearing of any petition under this section, the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the court;

"(4) The court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case;

"(5) If it appears to the court that the patentee has been inadequately remunerated by his patent, the court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and containing any restriction, conditions, and provisions the Court may think fit."

18. Date of Patent Substituted for Patent Obtained by Fraud.—A patent granted under subsection (8) of section twenty-six of the principal Act to an inventor in lieu of a patent revoked on the ground of fraud shall bear the same date as the revoked patent, and accordingly in that subsection the words "the date of revocation of," and the words "but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted," shall be repealed:

Provided that no action shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

19. Repeal of Provisions as to Procedure.—Rules of the Supreme Court may be made for regulating the matters dealt with in subsections (5), (6), and (7) of section twenty-six and in section twenty-nine of the principal Act, which relate to the particulars to be delivered and the procedure to be adopted in proceedings upon petition for the revocation of a patent and in an action for infringement, and on the coming into operation of any rules of court made for that purpose the said enactments shall be repealed.

20. Time for Applications by Representatives of Deceased Inventors.—In section thirty-four of the principal Act (which relates to the grant of a patent on the application of representatives of a deceased inventor) the words "must be made within six months of the decease of such person and" are hereby repealed.

21. Secret Patents.—(1) Section forty-four of the principal Act (which relates to secret patents) shall apply to the Admiralty in like manner as it applies to the Secretary of State for War.

(2) Rules may be made under the principal Act, after consultation with the Secretary of State and the Admiralty, for the purpose of ensuring secrecy with respect to patents to which the said section as so extended applies, and those rules may modify any of the provisions of the principal Act in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid.

22. Anticipation.—A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted, or any part thereof having been published prior to the date of the patent, if the patentee proves to the satisfaction of the court that the publication was made without his knowledge and consent, and that the matter published was derived or obtained from him, and if he learnt of the publication before the date of his application for the patent that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

23. Restoration of Lapsed Patents.—When any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the comptroller in the prescribed manner for an order for the restoration of the patent. Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the said prescribed fee. If it appears from such statement that the omission was unintentional and that no undue delay has occurred in making the application, the comptroller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office. Where such notice is given, the comptroller shall notify the applicant thereof. After the expiration of the

prescribed period the comptroller shall hear the case and, subject to an appeal to the court, issue an order either restoring the patent or dismissing the application: Provided that in every order under this section restoring a patent, such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had been announced as void in the illustrated official journal.

24. AVOIDANCE OF CERTAIN CONDITIONS ATTACHED TO THE SALE, ETC. OF PATENTED ARTICLES.—(1) It shall not be lawful in any contract made after the passing of this Act in relation to the sale or lease of, or licence to use or work any article or process protected by a patent to insert a condition the effect of which will be—

(*a*) to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor, or his nominees; or

(*b*) to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent;

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy: Provided that this subsection shall not apply if—

(i) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and

(ii) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months' notice in writing and on payment in compensation for such relief in the case of a purchase, of such sum, or in the case of a lease or license of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.

(2) Any contract relating to the lease of or licence to use or work any patented article or patented process, whether made before or after the passing of this Act, may at any time after the patent or all the patents by which the article or process was protected at the time of the making of the contract, has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party; but where any such notice is given determining any contract made before the passing of this Act, the party giving the notice shall be liable to pay such compensation as failing agreement may be awarded by an arbitrator appointed by the Board of Trade.

(3) Any contract made before the passing of this Act relating to the lease of or licence to use or work any patented article or process and containing any condition which, had the contract been made after the passing of this Act, would by virtue of this section have been null and void may, at any time before the contract is determinable under the last preceding subsection, and, notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party, but, where any such notice is given, the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(4) The insertion by the patentee in a contract made after the passing of this Act of any condition which by virtue of this section is null and void shall be available as a defence to an action for infringement of the patent to which the contract relates brought while that contract is in force.

(5) Nothing in this section shall—

(*a*) affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person; or

(*b*) be construed as validating any contract which would, apart from this section, be invalid; or

(*c*) affect any right of determining a contract or condition in a contract exercisable independently of this section; or

(*d*) affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

25. Defences to Actions for Infringement, etc.—Any ground on which a patent may be revoked under this Act or as an alternative to the grant of a compulsory licence under section three of the Patents Act, 1902, as amended by this Act, shall be available by way of a defence to an action for infringement, and shall also be a ground of revocation under section twenty-six of the principal Act.

26. Power to Counterclaim for Revocation in an Action for Infringement.—A defendant in an action for infringement of a patent, if entitled to present a petition to the court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of the Supreme Court by way of counter-claim in the action for the revocation of the patent.

27. Exemption of Innocent Infringer from Liability for Damages.—A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Act from any defendant who proves that at the date of such infringement he was not aware nor had reasonable means of making himself aware of the existence of the patent, and the marking of an article with the word "patent," "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent:

Provided that nothing in this section shall affect any proceedings for an injunction.

28. Provisions as to Appeals and References to the Court.—Where by virtue of this Act a decision of the comptroller is subject to an appeal to the court, or a petition may be referred or presented to the court, the appeal shall, subject to and in accordance with rules of the Supreme Court, be made and the petition referred or presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.

Part II.

Designs.

29. Application for the Registration of Designs.—The following subsections shall be inserted at the end of section forty-seven of the principal Act (which relates to applications for the registration of designs):—

"(8) An application which owing to any default or neglect on the part of the applicant has not been completed so as to enable registration to be affected within the prescribed time shall be deemed to be abandoned.

"(9) Where an application has been abandoned or refused the application and any drawings, photographs, tracings, representations, or specimens left in connexion with the application shall not at any time be open to public inspection or be published by the comptroller.

"(10) A design when registered shall be registered as of the date of the application for registration."

30. Rules as to Applications for Registration of Designs.—Rules may be made under the principal Act for regulating the matters dealt with in subsections two and three of section forty-seven and in section forty-eight of the principal Act, which relate to the form and manner in which applications for the registration of designs are to be made, and on the coming into operation of any such rules the said enactments shall be repealed.

31. Copyright in Designs.—(1) At the end of subsection (1) of section fifty of the principal Act (which relates to the term of copyright in a registered design) the following paragraph shall be added:—

"If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller shall on payment of the prescribed fee extend the period of copyright for a second period of five years from the expiration of the original period of five years. If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller may, subject to any rules under the principal Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years."

(2) The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

32. MARKING OF REGISTERED DESIGNS.—(1) So much of section fifty-one of the principal Act as provides that the copyright in a registered design shall cease if the proprietor fails to comply with the requirements of that section with respect to the marking of articles to which the design has been applied is hereby repealed; but, in the event of any failure to comply with any such requirements, the proprietor of the design shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design, unless he shows that he took all proper steps to ensure the marking of the articles, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of copyright in the design.

(2) Where a representation is made to the Board of Trade by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of the said section fifty one as to marking, the Board may, if they think fit, by rule under the principal Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as they think fit.

33. REGISTRATION OF DESIGNS.—Where a design has been registered in one or more classes of goods the application of the proprietor of the design to register it in some one or more other classes shall not be refused nor shall the registration thereof be invalidated:

(*a*) on the ground of the design not being a new and original design by reason only that it was so previously registered; or

(*b*) on the ground of the design having been previously published in the United Kingdom by reason only that it has been applied to goods of any class in which it was so previously registered.

34. INSPECTION OF REGISTERED DESIGNS.—(1) In section fifty-two of the principal Act (which prohibits the inspection of a design during the existence of the copyright in the design) after the words "during the existence of copyright in a design" there shall be inserted the words "or such shorter period, not being less than two years from the registration of a design as may be prescribed," and for the words "when the copyright in a design has ceased" there shall be substituted the words "after the expiration of the copyright in the design or such shorter period as aforesaid."

(2) At the end of the same section the following subsection shall be added:—

"(3) Different periods may be prescribed under this section for different classes of goods."

35. CANCELLATION OF REGISTRATION OF DESIGNS USED WHOLLY OR MAINLY ABROAD.—At any time after the registration of a design any person may apply to the comptroller for the cancellation of the registration on the ground that the design is used for manufacture exclusively or mainly outside the United Kingdom, and where such an

application is made the provisions of this Act with respect to the revocation of patents worked outside the United Kingdom including those relating to costs shall apply with the necessary modifications, except that there shall be no appeal from the decision of the comptroller. Such ground as aforesaid shall be available by way of a defence to an action for infringement of the copyright in the design.

36. Penalty and Damages in Respect of Piracy of Registered Design.—(1) In section fifty-eight of the principal Act (which imposes penalties on the piracy of registered designs), at the end of paragraph (*a*) there shall be inserted the words "or to do anything with a view to enabling the design to be so applied."

(2) In the same section, after the words "publish or expose" there shall be inserted the words "or cause to be published or exposed."

(3) The following shall be substituted for section fifty-nine of the principal Act (which relates to actions for damages for infringement of registered designs) :—

"Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may, if he elects to do so, bring an action for the recovery of any damages arising from any acts to which a penalty is attached by this Act, and for an injunction against the repetition thereof."

37. Application of Sections 31 and 32 of Principal Act to Designs.—Section thirty-one of the principal Act (which relates to the certificates of validity of a patent), and section thirty-two of the same Act (which relates to the remedy in case of groundless threats of legal proceedings) shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

Part III.

General.

38. Rules as to Branch Offices.—Rules under the principal Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing required by the principal Act to be sent to or done at the Patent Office being sent to or done at any branch office which may be established.

39. Entries in Registers.—In section eighty-seven of the principal Act (which relates to entries in registers of patents and designs) the following paragraph shall be inserted after the words "as the case may be," where they first occur :—

"When any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, the comptroller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs as the case may be."

40. Rectification of Registers by Court.—The following section shall be substituted for section ninety of the principal Act (which relates to the rectification of registers of patents and designs by the court) :—

"(1) The court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

"(2) The court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connexion with the rectification of a register.

"(3) The prescribed notice of any application under this section shall be given to the comptroller, who shall have the right to appear and be heard thereon, and shall appear if so directed by the court.

"(4) Any order of the court rectifying a register shall direct that notice of the rectification be served upon the comptroller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly."

41. CORRECTION OF CLERICAL ERRORS.—The following section shall be substituted for section ninety-one of the principal Act, which relates to the correction of clerical errors:—

"The comptroller may on request in writing accompanied by the prescribed fee—

"(*a*) correct any clerical error in or in connexion with an application for a patent or in any patent or any specification;

"(*b*) cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;

"(*c*) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs."

42. EXCLUDED DAYS.—Where the last day fixed by the principal Act for doing anything under that Act falls on any day specified in rules under that Act as an excluded day, the rules may provide for the thing being done on the next following day not being an excluded day, and section ninety-eight of the principal Act is hereby repealed.

43. PENALTIES FOR FALSE REPRESENTATIONS.—The following subsection shall be added to section one hundred and five of the principal Act (which imposes penalties for false representations):—

"(3) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word 'registered,' or any word or words implying that there is a subsisting copyright in the design, shall be liable on summary conviction to a fine not exceeding five pounds."

44. ROYAL ARMS.—The following section shall be substituted for section one hundred and six of the principal Act:—

"(1) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article.

"(2) If any person, without the authority of His Majesty, uses in connexion with any business, trade, calling, or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds: Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark."

45. EVIDENCE BEFORE COMPTROLLER.—(1) Subject to rules under the principal Act in any proceeding under the principal Act or this Act before the comptroller the evidence shall be given by statutory declaration in the absence of directions to the contrary; but in any case in which the comptroller thinks it right so to do, he may take evidence vivâ voce in lieu of or in addition to evidence by declaration, or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the court in lieu of evidence by affidavit, but, if so used, shall have all the incidents and consequences of evidence by affidavit.

(2) In case any part of the evidence is taken vivâ voce, the comptroller shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court.

46. COSTS AND SECURITY FOR COSTS.—(1) The comptroller shall, in proceedings relating to an opposition to the grant of a patent or to an application for the amendment of a specification or the revocation of a patent, have power, by order, to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of the court.

(2) If a party giving notice of opposition to the grant of a patent or to the amendment of a specification, or applying to the comptroller for the revocation of a patent, or giving notice of appeal from any decision of the comptroller, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller or, in case of appeal to the law officer, the law officer may require such party to give

security for costs of the proceedings or appeal, and in default of such security being given may treat the proceedings or appeal as abandoned.

47. MISUSE OF TITLE OF "PATENT OFFICE."—If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

48. AGENTS FOR PATENTS.—(1) Rules under the principal Act may authorise the comptroller to refuse to recognise as agent in respect of any business under that Act any person whose name has been erased from the register of patent agents, or who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, and may authorise the comptroller to refuse to recognise as agent in respect of any business under the principal Act any company which, if it had been an individual, the comptroller could refuse to recognise as such agent.

(2) Where a company or firm acts as agent, such rules as aforesaid may authorise the comptroller to refuse to recognise the company or firm as agent if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm.

(3) The comptroller shall refuse to recognise as agent in respect of any business under the principal Act any person who neither resides nor has a place of business in the United Kingdom or the Isle of Man.

49. CONSTRUCTION.—Except where otherwise expressly provided, this Act shall apply to patents granted, designs registered, and to applications made as well before as after the commencement of this Act.

50. APPLICATION OF ACT TO SCOTLAND.—The expression "Rules of the Supreme Court" shall in this Act, except in section twenty-eight, as applying to Scotland mean Act of Sederunt; and notwithstanding anything contained in the Patents, Designs, and Trade Marks Acts, 1883 to 1902, or in this Act. The expression "Court" in section sixteen of this Act shall, in reference to petitions which are referred by the Board of Trade to the Court in Scotland, mean any Lord Ordinary of the Court of Session, and in section seventeen of this Act shall in reference to proceedings in Scotland mean such Lord Ordinary.

51. SHORT TITLE, COMMENCEMENT, AND REPEAL.—(1) This Act may be cited as the Patents and Designs (Amendment) Act, 1907, and may be cited, and shall be construed as one, with the Patents, Designs, and Trade Marks Acts, 1883 to 1902.

(2) This Act shall, save as otherwise expressly provided, come into operation on the first of January one thousand nine hundred and eight.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
46 and 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	In section seventeen, the words "by accident, mistake, or inadvertence," and the words "if satisfied that the failure has arisen from any of the above-mentioned causes." Section nineteen. Section twenty-five. In section twenty-six, subsections (5), (6) and (7) as from the date when rules of the Supreme Court dealing with the like matters come into force. In subsection (8) of section twenty-six, the words "the date of revocation of" and the words "but the patent so granted "shall cease on the expiration of the term for which the "revoked patent was granted." Section twenty-nine, as from the date when rules of the Supreme Court dealing with the like matters come into force. In section thirty-four, the words "must be made within six months of the decease of such person and," subsections (2) and (3) of section forty-seven; and section forty-eight from the date when rules under the principal Act dealing with the like matters come in force. In section fifty, subsection (2). Section fifty-one, from "and if he fails" to the end of the section. Section fifty-four. Section fifty-nine. Section ninety. Section ninety-one. Section ninety-eight. Section one hundred and six.
51 and 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	Section twenty-four.
2 Edw. 7 c. 4.	The Patents Act, 1902.	In section three, the subsections numbered (5), (6), (8), (9) and (10).

CHAPTER XXIX.

PATENTS AND DESIGNS ACT, 1907.

[7 EDW. 7. CH. 29.]

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CHAPTER XXIX.

An Act to consolidate the enactments relating to Patents for Inventions and the Registration of Designs and certain enactments relating to Trade Marks.
[28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

PATENTS.

Application for and Grant of Patent.

1. APPLICATION.—(1) An application for a patent may be made by any person who claims to be the true and first inventor of an invention, whether he is a British subject or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form, and must be left at, or sent by post to, the patent office in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one at least of the applicants, claims to be the true and first inventor, and for which he desires to obtain a patent, and must be accompanied by either a provisional or complete specification.

(4) The declaration required by this section may be either a statutory declaration or not, as may be prescribed.

2. SPECIFICATIONS.—(1) A provisional specification must describe the nature of the invention.

(2) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(3) In the case of any provisional or complete specification where the comptroller deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification.

(4) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification must end with a distinct statement of the invention claimed.

(5) Where the invention in respect of which an application is made is a chemical invention, such typical samples and specimens as may be prescribed shall, if in any particular case the comptroller considers it desirable so to require, be furnished before the acceptance of the complete specification.

3. PROCEEDINGS UPON APPLICATION.—(1) The Comptroller General of Patents, Designs, and Trade Marks (hereinafter referred to as the comptroller) shall refer every application to an examiner.

(2) If the examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the comptroller may refuse to accept the application or require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the comptroller so directs, bear date as from the time when the requirement is complied with.

(3) Where the comptroller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the law officer, who shall, if required, hear the applicant and the comptroller, and may make an order determining whether and subject to what conditions (if any) the application shall be accepted.

(4) The comptroller shall, when an application has been accepted, give notice thereof to the applicant.

4. PROVISIONAL PROTECTION.—Where an application for a patent in respect of an invention has been accepted, the invention may during the period between the date of the application and the date of sealing such patent be used and published without prejudice to the patent to be granted for the invention; and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

5. TIME FOR LEAVING COMPLETE SPECIFICATION.—(1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within six months from the date of the application.

Provided that where an application is made for an extension of the time for leaving a complete specification, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding one month.

(2) Unless a complete specification is so left the application shall be deemed to be abandoned.

6. COMPARISON OF PROVISIONAL AND COMPLETE SPECIFICATION.—(1) Where a complete specification is left after a provisional specification, the comptroller shall refer both specifications to an examiner.

(2) If the examiner reports that the complete specification has not been prepared in the prescribed manner, the comptroller may refuse to accept the complete specification until it has been amended to his satisfaction.

(3) If the examiner reports that the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification the comptroller may—

(*a*) refuse to accept the complete specification until it has been amended to his satisfaction; or

(*b*) (with the consent of the applicant) cancel the provisional specification and treat the application as having been made on the date at which the complete specification was left, and the application shall have effect as if made on that date:

Provided that where the complete specification includes an invention not included in the provisional specification, the comptroller may allow the original application to proceed so far as the invention included both in the provisional and in the complete specification is concerned, and treat the claim for the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left.

(4) A refusal of the comptroller to accept a complete specification shall be subject to appeal to the law officer, who shall, if required, hear the applicant and the comptroller and may make an order determining whether and subject to what conditions (if any) the complete specification shall be accepted.

(5) Unless a complete specification is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void.

Provided that where an application is made for an extension of time for the acceptance of a complete specification, the comptroller shall, on payment of the prescribed

fee, grant an extension of time to the extent applied for but not exceeding three months.

7. Investigation of Previous Specifications in United Kingdom on Applications for Patents.—(1) Where an application for a patent has been made and a complete specification has been left, the examiner shall, in addition to the other inquiries which he is directed to make by this Act, make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application, and left pursuant to any application for a patent made in the United Kingdom within fifty years next before the date of the application.

(2) If on investigation it appears that the invention has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification.

(3) If the comptroller is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has been wholly or in part claimed or described in a previous specification as before mentioned, he shall, in the absence of any other lawful ground of objection, accept the specification.

(4) If the comptroller is not so satisfied, he shall, after hearing the applicant, and unless the objection is removed by amending the specification to the satisfaction of the comptroller determine whether a reference to any, and, if so, what prior specifications ought to be made in the specification by way of notice to the public.

Provided that the comptroller, if satisfied that the invention claimed has been wholly and specifically claimed in any specification to which the investigation has extended, may, in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant a patent.

(5) An appeal shall lie from the decision of the comptroller under this section to the law officer.

(6) The investigations and reports required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Board of Trade or any officer thereof by reason of, or in connexion with, any such investigation or report, or any proceeding consequent thereon.

8. Investigation of Specifications Published Subsequently to Application.—(1) An investigation under the last preceding section shall extend to specifications published after the date of the application in respect of which the investigation is made, and being specifications which have been deposited pursuant to prior applications; and that section shall, subject to rules under this Act, have effect accordingly.

(2) Where, on such an extended investigation, it appears that the invention claimed in the specification deposited pursuant to an application is wholly or in part claimed in any published specification deposited pursuant to a prior application, the applicant shall, whether or not his specification has been accepted or a patent granted to him, be afforded such facilities as may be prescribed for amending his specification, and in the event of his failing to do so the comptroller shall, in accordance with such procedure as may be prescribed, determine what reference, if any, to other specifications ought to be made in his specification by way of notice to the public.

(3) For the purposes of this section an application shall be deemed to be prior to another application if the patent applied for when granted would be of prior date to the patent granted pursuant to that other application.

(4) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

9. Advertisement on Acceptance of Complete Specification.—On the acceptance of the complete specification the comptroller shall advertise the acceptance; and the application and specifications with the drawings (if any) shall be open to public inspection.

10. Effect of Acceptance of Complete Specification.—After the acceptance of a complete specification and until the date of sealing a patent in respect thereof, or the

expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification. Provided that an applicant shall not be entitled to institute any proceeding for infringement until a patent for the invention has been granted to him.

11. OPPOSITION TO GRANT OF PATENT.—(1) Any person may at any time within two months from the date of the advertisement of the acceptance of a complete specification give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds:—

(*a*) that the applicant obtained the invention from him, or from a person of whom he is the legal representative; or

(*b*) that the invention has been claimed in any complete specification for a British patent which is or will be of prior date to the patent the grant of which is opposed, other than a specification deposited pursuant to an application made more than fifty years before the date of the application for such last-mentioned patent; or

(*c*) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification; or

(*d*) that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification,

but on no other ground.

(2) Where such notice is given the comptroller shall give notice of the opposition to the applicant, and shall, on the expiration of those two months, after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(3) The decision of the comptroller shall be subject to appeal to the law officer, who shall, if required, hear the applicant and the opponent, if the opponent is, in his opinion, a person entitled to be heard in opposition to the grant of the patent, and shall decide the case; and the law officer may, if he thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the law officer with the consent of the Treasury may determine.

12. GRANT AND SEALING OF PATENT.—(1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted to the applicant, or in the case of a joint application to the applicants jointly, and the comptroller shall cause the patent to be sealed with the seal of the patent office.

(2) A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of application, provided that—

(*a*) Where the comptroller has allowed an extension of the time within which a complete specification may be left or accepted, a further extension of four months after the said fifteen months shall be allowed for the sealing of the patent:

(*b*) Where the sealing is delayed by an appeal to the law officer, or by opposition to the grant of the patent, the patent may be sealed at such time as the law officer may direct:

(*c*) Where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death:

(*d*) Where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within the period allowed by this section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed, and this provision shall, in such cases as may be prescribed and subject to the prescribed conditions, apply where the period allowed for the sealing of the patent has expired before the commencement of this Act.

13. Date of Patent.—Except as otherwise expressly provided by this Act, a patent shall be dated and sealed as of the date of the application: Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification.

14. Effect, Extent, and Form of Patent.—(1) A patent sealed with the seal of the Patent Office shall have the same effect as if it were sealed with the Great Seal of the United Kingdom, and shall have effect throughout the United Kingdom and the Isle of Man.

Provided that a patentee may assign his patent for any place in or part of the United Kingdom, or Isle of Man, as effectually as if the patent were originally granted to extend to that place or part only.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim; and it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

15. Fraudulent Applications for Patents.—(1) A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

(2) Where a patent has been revoked on the ground of fraud, the comptroller may, on the application of the true inventor made in accordance with the provisions of this Act, grant to him a patent in lieu of and bearing the same date as the patent so revoked:

Provided that no action shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

16. Single Patent for Cognate Inventions.—(1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the comptroller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon.

(2) Such patent shall bear the date of the earliest of such applications, but in considering the validity of the same and for the purpose of the provisions of this Act with respect to oppositions to the grant of patents, the court or the comptroller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed therein.

Term of Patent.

17. Term of Patent.—(1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Act, be fourteen years from its date.

(2) A patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to pay the prescribed fees within the prescribed times; provided that the comptroller, upon the application of the patentee, shall, on receipt of such additional fee, not exceeding ten pounds, as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(3) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any fee within the prescribed time, and before any enlargement thereof, the court before which the proceeding is proposed to be taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

18. Extension of Term of Patent.—(1) A patentee may, after advertising in manner provided by rules of the Supreme Court his intention to do so, present a petition to the court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent.

(2) Any person may give notice to the court of objection to the extension.

(3) On the hearing of any petition under this section the patentee and any person

who has given such notice of objection shall be made parties to the proceeding, and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the court.

(4) The court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(5) If it appears to the court that the patentee has been inadequately remunerated by his patent, the court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and containing any restriction, conditions, and provisions the court may think fit.

19. PATENTS OF ADDITION.—(1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement in or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

(2) Where an application containing such a request is made, a patent (hereinafter referred to as a patent of addition) may be granted for such term as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

Restoration of Lapsed Patents.

20. RESTORATION OF LAPSED PATENTS.—(1) Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the comptroller in the prescribed manner for an order for the restoration of the patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional and that no undue delay has occurred in the making of the application, the comptroller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office.

(4) Where such notice is given the comptroller shall notify the applicant thereof.

(5) After the expiration of the prescribed period the comptroller shall hear the case and, subject to an appeal to the court, issue an order either restoring the patent or dismissing the application : Provided that in every order under this section restoring a patent such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had been announced as void in the illustrated official journal.

Amendment of Specification.

21. AMENDMENT OF SPECIFICATION BY COMPTROLLER.—(1) An applicant or a patentee may at any time, by request in writing left at the Patent Office, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of, and the reasons for, the proposed amendment.

(2) The request and the nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within one month from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(3) Where such a notice is given the comptroller shall give notice of the opposition to the person making the request, and shall hear and decide the case.

(4) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the comptroller shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5) The decision of the comptroller in either case shall be subject to an appeal to the law officer, who shall, if required, hear the person making the request to amend and, where notice of opposition has been given, the person giving that notice, if he is, in the opinion of the law officer, entitled to be heard in opposition to the request, and, where there is no opposition, the comptroller, and may make an order determining whether and subject to what conditions (if any) the amendment ought to be allowed.

(6) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(7) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all courts and for all purposes be deemed to form part of the specification.

(8) This section shall not apply when and so long as any action for infringement or proceeding before the Court for the revocation of a patent is pending.

22. Amendment of Specification by the Court.—In any action for infringement of a patent or proceedings before a court for the revocation of a patent the court may by order allow the patentee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the court may think fit:

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the court notice of the application shall be given to the comptroller, and the comptroller shall have the right to appear and be heard, and shall appear if so directed by the court.

23. Restriction on Recovery of Damages.—Where an amendment of a specification by way of disclaimer, correction, or explanation, has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the court that his original claim was framed in good faith and with reasonable skill and knowledge.

Compulsory Licences and Revocation.

24. Compulsory Licences and Revocation.—(1) Any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent.

(2) The Board of Trade shall consider the petition, and if the parties do not come to an arrangement between themselves the Board of Trade, if satisfied that a primâ facie case has been made out, shall refer the petition to the court, and, if the Board are not so satisfied, they may dismiss the petition.

(3) Where any such petition is referred by the Board of Trade to the court, and it is proved to the satisfaction of the court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by the court to grant licences on such terms as the court may think just, or, if the court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by order of the court.

Provided that an order of revocation shall not be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

(4) On the hearing of any petition under this section the patentee and any person claiming an interest in the patent as exclusive licensee or otherwise, shall be made

parties to the proceeding, and the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

(*a*) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry in the United Kingdom is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

(*b*) if any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working of the patented process.

(6) An order of the court directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding.

25. REVOCATION OF PATENT.—(1) Revocation of a patent may be obtained on petition to the court.

(2) Every ground on which—

(*a*) a patent might, immediately before the first day of January one thousand eight hundred and eighty-four, have been repealed by scire facias; or

(*b*) a patent may be revoked under this Act either by the comptroller or as an alternative to the grant of a compulsory licence;

shall be available by way of defence to an action of infringement and shall also be a ground of revocation under this section.

(3) A petition for revocation of a patent may be presented—

(*a*) by the Attorney-General or any person authorised by him; or

(*b*) by any person alleging—

(i) that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims; or

(ii) that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold, within this realm, before the date of the patent, anything claimed by the patentee as his invention.

26. POWER OF COMPTROLLER TO REVOKE PATENTS ON CERTAIN GROUNDS.—(1) Any person who would have been entitled to oppose the grant of a patent, or is the successor in interest of a person who was so entitled, may, within two years from the date of the patent, in the prescribed manner apply to the comptroller for an order revoking the patent on any one or more of the grounds on which the grant of the patent might have been opposed.

Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any court, an application under this section shall not be made except with the leave of the court.

(2) The comptroller shall give notice of the application to the patentee, and after hearing the parties, if desirous of being heard, may make an order revoking the patent or requiring the specification relating thereto to be amended by disclaimer, correction, or explanation, or dismissing the application; but the comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.

(3) A patentee may at any time by giving notice in the prescribed manner to the comptroller offer to surrender his patent, and the comptroller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court.

27. Revocation of Patents Worked Outside the United Kingdom.—(1) At any time not less than four years after the date of a patent and not less than one year after the passing of this Act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom.

(2) The comptroller shall consider the application, and, if after enquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either—

(*a*) forthwith; or

(*b*) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

(3) If within the time limited in the order the patented article or process is not manufactured or carried on within the United Kingdom to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the comptroller may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court, and on any such appeal the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

Register of Patents.

28. Register of Patents.—(1) There shall be kept at the Patent Office a book called the register of patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licences under patents, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The register of patents existing at the commencement of this Act shall be incorporated with and form part of the register of patents under this Act.

(3) The register of patents shall be primâ facie evidence of any matters by this Act directed or authorised to be inserted therein.

(4) Copies of deeds, licences, and any other documents affecting the proprietorship in any letters patent or in any licence thereunder, must be supplied to the comptroller in the prescribed manner for filing in the Patent Office.

Crown.

29. Patent to Bind Crown.—A patent shall have to all intents the like effect as against His Majesty the King as it has against a subject:

Provided that any Government department may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Treasury, between the department and the patentee, or, in default of agreement, as may be settled by the Treasury after hearing all parties interested.

30. Assignment to Secretary for War or the Admiralty of Certain Inventions.—(1) The inventor of any improvement in instruments or munitions of war may (either for or without valuable consideration) assign to the Secretary of State for War

or the Admiralty on behalf of His Majesty all the benefit of the invention and of any patent obtained or to be obtained for the invention; and the Secretary of State or the Admiralty may be a party to the assignment.

(2) The assignment shall effectually vest the benefit of the invention and patent in the Secretary of State or the Admiralty on behalf of His Majesty, and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual (notwithstanding any want of valuable consideration), and may be enforced accordingly by the Secretary of State or the Admiralty.

(3) Where any such assignment has been made, the Secretary of State or the Admiralty may at any time before the publication of the complete specification certify to the comptroller that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

(4) If the Secretary of State or the Admiralty so certify the application and specifications, with the drawings (if any), and any amendment of the complete specification, and any copies of such documents and drawings shall, instead of being left in the ordinary manner at the Patent Office, be delivered to the comptroller in a packet sealed by authority of the Secretary of State or the Admiralty.

(5) The packet shall, until the expiration of the term during which a patent for the invention may be in force, be kept sealed by the comptroller, and shall not be opened save under the authority of an order of the Secretary of State or the Admiralty or of the law officer.

(6) The sealed packet shall be delivered at any time during the continuance of the patent to any person authorised by the Secretary of State or the Admiralty to receive it, and shall if returned to the comptroller be again kept sealed by him.

(7) On the expiration of the term of the patent, the sealed packet shall be delivered to the Secretary of State or the Admiralty.

(8) Where the Secretary of State or the Admiralty certify as aforesaid, after an application for a patent has been left at the Patent Office, but before the publication of the complete specification, the application and specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the comptroller, and the packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Secretary of State or the Admiralty.

(9) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which a certificate has been given by the Secretary of State or the Admiralty as aforesaid.

(10) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but, save as in this section otherwise directed, the provisions of this Act shall apply in respect of any such invention and patent as aforesaid.

(11) The Secretary of State or the Admiralty may at any time waive the benefit of this section with respect to any particular invention, and the specifications, documents, and drawings shall be thenceforth kept and dealt with in the ordinary way.

(12) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State or the Admiralty, or to any person or persons authorised by the Secretary of State or the Admiralty to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use of publication of such invention so as to prejudice the grant or validity of any patent for the same.

(13) Rules may be made under this Act, after consultation with the Secretary of State and the Admiralty, for the purpose of ensuring secrecy with respect to patents to which this section applies, and those rules may modify any of the provisions of this Act in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid.

Legal Proceedings.

31. HEARING WITH ASSESSOR.—(1) In an action or proceeding for infringement or revocation of a patent, the court may, if it think fit, and shall on the request of either of the parties to the proceeding, call in the aid of an assessor specially qualified, and

try the case wholly or partially with his assistance; the action shall be tried without a jury unless the court otherwise directs.

(2) The Court of Appeal may, if they think fit, in any proceeding before them call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall be determined by the Court or the Court of Appeal, as the case may be, and be paid as part of the expenses of the execution of this Act.

32. Power to Counterclaim for Revocation in an Action for Infringement.—A defendant in an action for infringement of a patent, if entitled to present a petition to the court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of the Supreme Court by way of counterclaim in the action for the revocation of the patent.

33. Exemption of Innocent Infringer from Liability for Damages.—A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Act from any defendant who proves that at at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent; and the marking of an article with the word "patent," "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent, unless the word or words are accompanied by the year and number of the patent:

Provided that nothing in this section shall affect any proceedings for an injunction.

34. Order for Inspection, etc. in Action.—In an action for infringement of a patent, the court may on the application of either party make such order for an injunction inspection or account, and impose such terms and give such directions respecting the same and the proceedings thereon as the court may see fit.

35. Certificate of Validity Questioned and Costs thereon.—In an action for infringement of a patent, the court may certify that the validity of the patent came in question; and, if the court so certifies, then in any subsequent action for infringement the plaintiff in that action on obtaining a final order or judgment in his favour shall, unless the court trying the action otherwise directs, have his full costs, charges, and expenses as between solicitor and client.

36. Remedy in case of Groundless Threats of Legal Proceedings.—Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats:

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

Miscellaneous.

37. Grant of Patents to two or more Persons.—Where, after the commencement of this Act, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his personal estate.

38. Avoidance of Certain Conditions Attached to the Sale, etc. of Patented Articles.—(1) It shall not be lawful in any contract made after the passing of this Act in relation to the sale or lease of, or licence to use or work, any article or process protected by a patent to insert a condition the effect of which will be—

(*a*) to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied

or owned by any person other than the seller, lessor, or licensor or his nominees; or

(*b*) to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent;

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy.

Provided that this subsection shall not apply if—

(i) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and

(ii) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months' notice in writing and on payment in compensation for such relief in the case of a purchase of such sum, or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.

(2) Any contract relating to the lease of or licence to use or work any patented article or patented process, whether made before or after the passing of this Act, may at any time after the patent or all the patents by which the article or process was protected at the time of the making of the contract has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party; but where any such notice is given determining any contract made before the passing of this Act, the party giving the notice shall be liable to pay such compensation as failing agreement may be awarded by an arbitrator appointed by the Board of Trade.

(3) Any contract made before the passing of this Act relating to the lease of or licence to use or work any patented article or process and containing any condition which, had the contract been made after the passing of this Act, would by virtue of this section have been null and void may, at any time before the contract is determinable under the last preceding subsection, and notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party, but where any such notice is given the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(4) The insertion by the patentee in a contract made after the passing of this Act of any condition which by virtue of this section is null and void shall be available as a defence to an action for infringement of the patent to which the contract relates brought while that contract is in force.

(5) Nothing in this section shall—

(*a*) affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person; or

(*b*) be construed as validating any contract which would, apart from this section, be invalid; or

(*c*) affect any right of determining a contract or condition in a contract exerciseable independently of this section; or

(*d*) affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

39. COSTS AND SECURITY FOR COSTS.—(1) The comptroller shall, in proceedings relating to an opposition to the grant of a patent or to an application for the amendment of a specification or the revocation of a patent, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of the court.

(2) If a party giving notice of opposition to the grant of a patent or to the amendment of a specification, or applying to the comptroller for the revocation of a patent,

or giving notice of appeal from any decision of the comptroller, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller, or, in case of appeal to the law officer, the law officer, may require such party to give security for costs of the proceedings or appeal, and in default of such security being given may treat the proceedings or appeal as abandoned.

40. PROCEDURE ON APPEAL TO LAW OFFICER.—The law officer may examine witnesses on oath and administer oaths for that purpose, and may make rules regulating references and appeals to the law officer and the practice and procedure before him under this Part of this Act; and in any proceeding before the law officer under this Part of this Act, the law officer may order costs to be paid by either party, and any such order may be made a rule of the court.

41. PROVISIONS AS TO ANTICIPATION.—(1) An invention covered by any patent applied for on or after the first day of January one thousand nine hundred and five shall not be deemed to have been anticipated by reason only of its publication in a specification left pursuant to an application made in the United Kingdom not less than fifty years before the date of the application for the patent, or of its publication in a provisional specification of any date not followed by a complete specification.

(2) A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted, or any part thereof, having been published prior to the date of the patent, if the patentee proves to the satisfaction of the court that the publication was made without his knowledge and consent, and that the matter published was derived or obtained from him, and, if he learnt of the publication before the date of his application for the patent, that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

42. DISCONFORMITY.—A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant was the first and true inventor thereof.

43. PATENT ON APPLICATION OF REPRESENTATIVE OF DECEASED INVENTOR.—(1) If the person claiming to be inventor of an invention dies without making an application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

(2) Every such application must contain a declaration by the legal representative that he believes him to be the true and first inventor of the invention.

44. LOSS OR DESTRUCTION OF PATENT.—If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the comptroller, the comptroller may at any time seal a duplicate thereof.

45. PROVISIONS AS TO EXHIBITIONS.—(1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application, provided that—

(*a*) the exhibitor, before exhibiting the invention, gives the comptroller the prescribed notice of his intention to do so; and

(*b*) the application for a patent is made before or within six months from the date of the opening of the exhibition.

(2) His Majesty may by Order in Council apply this section to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition of giving notice to the comptroller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the Order.

46. PUBLICATION OF ILLUSTRATED JOURNAL, INDEXES, ETC.—(1) The comptroller shall issue periodically an illustrated journal of patented inventions, as well as reports

of patent cases decided by courts of law, and any other information that he may deem generally useful or important.

(2) Provision shall be made by the comptroller for keeping on sale copies of such journal, and also of all complete specifications of patents in force, with any accompanying drawings.

(3) The comptroller shall continue, in such form as he deems expedient, the indexes and abridgments of specifications hitherto published, and shall prepare and publish such other indexes, abridgments of specifications, catalogues, and other works relating to inventions, as he thinks fit.

47. PATENT MUSEUM.—(1) The control and management of the Patent Museum and its contents shall remain vested in the Board of Education, subject to such directions as His Majesty in Council may think fit to give.

(2) The Board of Education may at any time require a patentee to furnish them with a model of his invention on payment to the patentee of the cost of the manufacture of the model, the amount to be settled, in case of dispute, by the Board of Trade.

48. FOREIGN VESSELS IN BRITISH WATERS.—(1) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of His Majesty's Courts in the United Kingdom, or Isle of Man, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for or in connection with the manufacture or preparation of anything intended to be sold in or exported from the United Kingdom or Isle of Man.

(2) This section shall not extend to vessels of any foreign state of which the laws do not confer corresponding rights with respect to the use of inventions in British vessels while in the ports of that state, or in the waters within the jurisdiction of its courts.

PART II.

DESIGNS.

Registration of Designs.

49. APPLICATION FOR REGISTRATION OF DESIGNS.—(1) The comptroller may, on the application made in the prescribed form and manner of any person claiming to be the proprietor of any new or original design not previously published in the United Kingdom, register the design under this Part of this Act.

(2) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question.

(3) The comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal to the Board of Trade, and the Board shall, after hearing the applicant and the comptroller, if so required, make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(4) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(5) A design when registered shall be registered as of the date of the application for registration.

50. REGISTRATION OF DESIGNS IN NEW CLASSES. — Where a design has been registered in one or more classes of goods the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

(*a*) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or

(*b*) on the ground of the design having been previously published in the United Kingdom, by reason only that it has been applied to goods of any class in which it was so previously registered.

51. CERTIFICATE OF REGISTRATION.—(1) The comptroller shall grant a certificate of registration to the proprietor of the design when registered.

(2) The comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

52. REGISTER OF DESIGNS.—(1) There shall be kept at the Patent Office a book called the Register of Designs wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may be prescribed.

(2) The register of designs existing at the commencement of this Act shall be incorporated with and form part of the register of designs under this Act.

(3) The register of designs shall be primâ facie evidence of any matters by this Act directed or authorised to be entered therein.

Copyright in Registered Designs.

53. COPYRIGHT ON REGISTRATION. —(1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

(2) If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller shall on payment of the prescribed fee extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller may, subject to any rules under this Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

54. REQUIREMENTS BEFORE DELIVERY ON SALE.—(1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

(*a*) (if exact representations or specimens were not furnished on the application for registration), furnish to the comptroller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the the comptroller may erase his name from the register, and thereupon the copyright in the design shall cease; and

(*b*) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered; and if he fails to do so the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Board of Trade by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Board may, if they think fit, by rule under this Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as they think fit.

55. EFFECT OF DISCLOSURE ON COPYRIGHT.—The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

56. INSPECTION OF REGISTERED DESIGNS.—(1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him, or a person authorised by the

comptroller or by the court, and furnishing such information as may enable the comptroller to identify the design, and shall not be open to the inspection of any person except in the presence of the comptroller, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

57. INFORMATION AS TO EXISTENCE OF COPYRIGHT.—On the request of any person furnishing such information as may enable the comptroller to identify the design, and on payment of the prescribed fee, the comptroller shall inform such person whether the registration still exists in respect of the design, and if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

58. CANCELLATION OF REGISTRATION OF DESIGNS USED WHOLLY OR MAINLY ABROAD —(1) At any time after the registration of a design any person may apply to the comptroller for the cancellation of the registration on the ground that the design is used for manufacture exclusively or mainly outside the United Kingdom, and where such an application is made the provisions of this Act with respect to the revocation of patents worked outside the United Kingdom (including those relating to costs) shall apply with the necessary modifications, except that there shall be no appeal from the decision of the comptroller.

(2) Such ground as aforesaid shall be available by way of a defence to an action for infringement of the copyright in the design.

Industrial and International Exhibitions.

59. PROVISIONS AS TO EXHIBITIONS.—(1) The exhibition at an industrial or international exhibition certified as such by the Board of Trade, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof: Provided that—

(*a*) The exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the comptroller the prescribed notice of his intention to do so; and

(*b*) The application for registration is made before or within six months from the date of the opening of the exhibition.

(2) His Majesty may, by Order in Council, apply this section to any exhibition mentioned in the order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition of giving notice to the comptroller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the order.

Legal Proceedings.

60. PIRACY OF REGISTERED DESIGN.—(1) During the existence of copyright in any design it shall not be lawful for any person—

(*a*) For the purposes of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the licence or written consent of the registered proprietor, or to do any thing with a view to enable the design to be so applied; or

(*b*) Knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section he shall be liable for every contravention to pay to the registered proprietor of the design a sum not exceeding fifty pounds, recoverable as a simple contract debt, or if the proprietor elects to bring an action for the recovery of damages for such contravention, and for an injunction against the repetition thereof, he shall be liable to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable as a simple contract debt in respect of any one design shall not exceed one hundred pounds.

61. Application of Certain Provisions of the Act as to Patents to Designs.—The provisions of this Act with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings by a patentee, shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

Part III.

General.

Patent Office and Proceedings thereat.

62. Patent Office.—(1) The Treasury may continue to provide for the purposes of this Act and the Trade Marks Act, 1905 (5 Edw. 7 c. 15), an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

(2) The Patent Office shall be under the immediate control of the comptroller, who shall act under the superintendence and direction of the Board of Trade.

(3) Any act or thing directed to be done by or to the comptroller may be done by or to any officer authorised by the Board of Trade.

(4) Rules under this Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing required by this Act to be sent to or done at the Patent Office being sent to or done at any branch office which may be established.

63. Officers and Clerks.—(1) There shall continue to be a comptroller-general of patents, designs, and trade marks, and the Board of Trade may, subject to the approval of the Treasury, appoint the comptroller, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may remove any of those officers and clerks.

(2) The salaries of those officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and those salaries and the other expenses of the execution of this Act and the Trade Marks Act, 1905, shall continue to be paid out of money provided by Parliament.

64. Seal of Patent Office.—Impressions of the seal of the Patent Office shall be judicially noticed and admitted in evidence.

Fees.

65. Fees.—There shall be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade, so however that the fees prescribed in respect of the instruments and matters mentioned in the first Schedule to this Act shall not exceed those specified in that Schedule.

Provisions as to Registers and other Documents in Patent Office.

66. TRUST NOT TO BE ENTERED IN REGISTERS.—There shall not be entered in any register kept under this Act, or be receivable by the comptroller, any notice of any trust expressed, implied or constructive.

67. INSPECTION OF AND EXTRACTS FROM REGISTERS.—Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act and to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

68. PRIVILEGE OF REPORTS OF EXAMINERS.—Reports of examiners made under this Act shall not in any case be published or be open to public inspection, and shall not be liable to production or inspection in any legal proceeding, unless the court or officer having power to order discovery in such legal proceeding certifies that such production or inspection is desirable in the interests of justice, and ought to be allowed.

69. PROHIBITION OF PUBLICATION OF SPECIFICATION, DRAWINGS, ETC. WHERE APPLICATION ABANDONED, ETC.—(1) Where an application for a patent has been abandoned, or become void, the specifications and drawings (if any) accompanying or left in connexion with such application, shall not, save as otherwise expressly provided by this Act, at any time be open to public inspection or be published by the comptroller.

(2) Where an application for a design has been abandoned or refused the application and any drawings, photographs, tracings, representations, or specimens left in connexion with the application shall not at any time be open to public inspection or be published by the comptroller.

70. POWER FOR COMPTROLLER TO CORRECT CLERICAL ERRORS.—The comptroller may, on request in writing accompanied by the prescribed fee,—

(*a*) correct any clerical error in or in connexion with an application for a patent or in any patent or any specification;

(*b*) cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;

(*c*) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

71. ENTRY OF ASSIGNMENTS AND TRANSMISSIONS IN REGISTERS.—(1) Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, the comptroller shall, on request and on proof of title to his satisfaction, register him as the proprietor of a patent or design.

(2) Where any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, the comptroller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, licence, or dealing: Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other personal property.

72. RECTIFICATION OF REGISTERS BY COURT.—(1) The court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry on either such register, make such order for making, expunging, or varying such entry as it may think fit.

(2) The court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connexion with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the

comptroller, who shall have the right to appear and be heard thereon, and shall appear if so directed by the court.

(4) Any order of the court rectifying a register shall direct that notice of the rectification be served on the comptroller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

Powers and Duties of Comptroller.

73. Exercise of Discretionary Power by Comptroller.—Where any discretionary power is by or under this act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

74. Power of Comptroller to take Directions of Law Officers.—The comptroller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to a law officer for directions in the matter.

75. Refusal to grant Patent, etc. in certain Cases.—The comptroller may refuse to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality.

76. Annual Reports of Comptroller.—The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which the report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

Evidence, etc.

77. Evidence before Comptroller.—(1) Subject to rules under this Act in any proceeding under this Act before the comptroller the evidence shall be given by statutory declaration in the absence of directions to the contrary; but in any case in which the comptroller thinks it right so to do, he may take evidence vivâ voce in lieu of or in addition to evidence by declaration or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

(2) In case any part of the evidence is taken vivâ voce, the comptroller shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court.

78. Certificate of Comptroller to be Evidence.—A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be primâ facie evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

79. Evidence of Documents in Patent Office.—Printed or written copies or extracts, purporting to be certified by the comptroller and sealed with the seal of the Patent Office, of or from patents, specifications, and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

80. Transmission of Certified Printed Copies of Specifications, etc.—(1) Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this Act, printed for and sealed with the seal of the Patent Office, shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within twenty-one days after they have been accepted or allowed at the Patent Office.

(2) Certified copies of or extracts from any such documents and of any documents so transmitted in pursuance of any enactment repealed by this Act shall be given to any person on payment of the prescribed fee; and any such copy or extract shall be

admitted in evidence in all courts in Scotland and Ireland and in the Isle of Man without further proof or production of the originals.

81. APPLICATIONS AND NOTICES BY POST.—Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office or to the comptroller, or to any other person under this Act, may be sent by post.

82. EXCLUDED DAYS.—Where the last day fixed by this Act for doing anything under this Act falls on any day specified in rules under this Act as an excluded day, the rules may provide for the thing being done on the next following day not being an excluded day.

83. DECLARATION BY INFANT, LUNATIC, ETC.—(1) If any person is, by reason of infancy, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by or under this Act, the guardian or committee (if any) of the person subject to the disability, or, if there be none, any person appointed by any court possessing jurisdiction in respect of his property, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

(2) An appointment may be made by the court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the declaration or the doing of the thing.

Register of Patent Agents.

84. REGISTER OF PATENT AGENTS.—(1) A person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act or an Act repealed by this Act.

(2) Every person who proves to the satisfaction of the Board of Trade that prior to the twenty-fourth day of December, one thousand eight hundred and eighty-eight, he had been bonâ fide practising as a patent agent shall be entitled to be registered as a patent agent in pursuance of this Act.

(3) If any person knowingly describes himself as a patent agent in contravention of this section he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

(4) In this section "patent agent" means exclusively an agent for obtaining patents in the United Kingdom.

85. AGENTS FOR PATENTS.—(1) Rules under this Act may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any person whose name has been erased from the register of patent agents, or who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, and may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any company which, if it had been an individual, the comptroller could refuse to recognise as such agent.

(2) Where a company or firm acts as agents, such rules as aforesaid may authorise the comptroller to refuse to recognise the company or firm as agent if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm.

(3) The comptroller shall refuse to recognise as agent in respect of any business under this Act any person who neither resides nor has a place of business in the United Kingdom or the Isle of Man.

Powers, etc. of Board of Trade.

86. POWER FOR BOARD OF TRADE TO MAKE GENERAL RULES.—(1) The Board of Trade may make such general rules and do such things as they think expedient, subject to the provisions of this Act—

(*a*) For regulating the practice of registration under this Act:

(*b*) For classifying goods for the purposes of designs:

(*c*) For making or requiring duplicates of specifications, drawings, and other documents:

(*d*) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, and other documents:

(*e*) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents:

(*f*) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad:

(*g*) For regulating the keeping of the register of patent agents under this Act:

(*h*) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the comptroller, or of the Board of Trade.

(2) General rules shall whilst in force be of the same effect as if they were contained in this Act.

(3) Any rules made in pursuance of this section shall be advertised twice in the official journal to be issued by the comptroller, and shall be laid before both Houses of Parliament as soon as practicable after they are made, and if either House of Parliament, within the next forty days after any rules have been so laid before that House, resolves that the rules or any of them ought to be annulled, the rules or those to which the resolution applies shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under the rules or to the making of any new rules.

87. Proceedings of the Board of Trade.—(1) All things required or authorised under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

(2) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(3) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

88. Provision as to Order in Council.—An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if it had been contained in this Act; but may be revoked or varied by a subsequent Order.

Offences.

89. Offences.—(1) If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanor.

(2) If any person falsely represents that any article sold by him is a patented article, or falsely describes any design applied to any article sold by him as registered, he shall be liable for every offence, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding five pounds.

(3) If any person sells an article having stamped, engraved, or impressed thereon or otherwise applied thereto the word "patent," "patented," "registered," or any other word expressing or implying that the article is patented or that the design applied thereto is registered, he shall be deemed for the purposes of this section to represent that the article is a patented article or that the design applied thereto is a registered design.

(4) Any person who, after the copyright in a design has expired, puts or causes to

be put on any article to which the design has been applied the word "registered," or any word or words implying that there is a subsisting copyright in the design, shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(5) If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

90.—(1) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article.

(2) UNAUTHORISED ASSUMPTION OF ROYAL ARMS.—If any person, without the authority of His Majesty, uses in connexion with any business, trade, calling, or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark.

International and Colonial Arrangements.

91. INTERNATIONAL AND COLONIAL ARRANGEMENTS.—(1) If His Majesty is pleased to make any arrangement with the government of any foreign state for mutual protection of inventions, or designs, or trade marks, then any person who has applied for protection for any invention, design, or trade mark in that state shall be entitled to a patent for his invention or to registration of his design or trade mark under this Act or the Trade Marks Act, 1905, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the foreign state.

Provided that—

(*a*) The application is made, in the case of a patent within twelve months, and in the case of a design or trade mark within four months, from the application for protection in the foreign state; and

(*b*) Nothing in this section shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the actual date on which his complete specification is accepted, or his design or trade mark is registered, in this country.

(2) The patent granted for the invention or the registration of a design or trade mark shall not be invalidated—

(*a*) in the case of a patent, by reason only of the publication of a description of, or use of, the invention; or

(*b*) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design; or

(*c*) in the case of a trade mark, by reason only of the use of the trade mark,

in the United Kingdom or the Isle of Man during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act or the Trade Marks Act, 1905: Provided that—

(*a*) In the case of patents the application shall be accompanied by a complete specification, which, if it is not accepted within the twelve months from the application for protection in the foreign state, shall with the drawings (if any) be open to public inspection at the expiration of that period; and

(*b*) In the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under the Trade Marks Act, 1905.

(4) The provisions of this section shall apply only in the case of those foreign states with respect to which His Majesty by Order in Council declares them to be

applicable, and so long only in the case of each state as the Order in Council continues in force with respect to that state.

(5) Where it is made to appear to His Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks, patented or registered in this country, it shall be lawful for His Majesty, by Order in Council, to apply the provisions of this section to that possession, with such variations or additions, if any, as may be stated in the Order.

Definitions.

92. PROVISIONS AS TO "THE COURT."—(1) In this Act, unless the context otherwise requires, "the court" means, subject to the provisions as to Scotland, Ireland, and the Isle of Man, the High Court in England.

(2) Where by virtue of this Act a decision of the comptroller is subject to an appeal to the court, or a petition may be referred or presented to the court, the appeal shall, subject to and in accordance with rules of the Supreme Court, be made and the petition referred or presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final, except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.

93. DEFINITIONS.—In this Act, unless the context otherwise requires,—

"Law officer" means the Attorney-General or Solicitor-General for England:

"Prescribed" means prescribed by general rules under this Act:

"British possession" does not include the Isle of Man or the Channel Islands:

"Patent" means letters patent for an invention:

"Patentee" means the person for the time being entitled to the benefit of a patent:

"Invention" means any manner of new manufacture the subject of letters patent and grant of privilege within section twenty-six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled "An Act concerning monopolies and dispensations with penal laws and the forfeiture thereof"), and includes an alleged invention:

"Inventor" and "applicant" shall, subject to the provisions of this Act, include the legal representative of a deceased inventor or applicant:

"Design" means any design (not being a design for a sculpture or other thing within the protection of the Sculpture Copyright Act, 54 Geo. 3 c. 56, 1814) applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined:

"Article" means (as respects designs) any article of manufacture and any substance artificial or natural, or partly artificial and partly natural:

"Copyright" means the exclusive right to apply a design to any article in any class in which the design is registered:

"Proprietor of a new and original design,"—

(*a*) Where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and

(*b*) Where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

(*c*) In any other case, means the author of the design;

and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

Application to Scotland, Ireland, and the Isle of Man.

94. APPLICATION TO SCOTLAND.—In the application of this Act to Scotland—

(1) In any action for infringement of a patent in Scotland the provisions of this Act with respect to calling in the aid of an assessor shall apply, and the action shall be tried without a jury, unless the court otherwise direct, but otherwise nothing shall affect the jurisdiction and forms of process of the courts in Scotland in such an action or in any action or proceeding respecting a patent hitherto competent to those courts; and for the purposes of the provisions so applied "court of appeal" shall mean any court to which such action is appealed:

(2) Any offence under this Act declared to be punishable on conviction under the Summary Jurisdiction Acts may be prosecuted in the sheriff court:

(3) Proceedings for revocation of a patent shall be in the form of an action of reduction at the instance of the Lord Advocate, or at the instance of a party having interest with his concurrence, which concurrence may be given on just cause shown only, and service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act:

(4) The provisions of this Act conferring a special jurisdiction on the court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Scotland in any proceedings relating to patents or to designs; and with reference to any such proceedings, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either Division of that Court:

(5) Notwithstanding anything in this Act, the expression "the court" shall, as respects petitions for compulsory licences on revocation which are referred by the Board of Trade to the Court in Scotland, mean any Lord Ordinary of the Court of Session, and shall in reference to proceedings in Scotland for the extension of the time of a patent mean such Lord Ordinary:

(6) The expression "Rules of the Supreme Court" shall, except in section ninety-two of this Act, mean act of sederunt:

(7) If any rectification of a register under this Act is required in pursuance of any proceeding in a court, a copy of the order, decree, or other authority for the rectification, shall be served on the comptroller, and he shall rectify the register accordingly:

(8) The expression "injunction" means "interdict."

95. APPLICATION TO IRELAND.—In the application of this Act to Ireland—

(1) All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only:

(2) The provisions of this Act conferring a special jurisdiction on the court, as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Ireland in any proceedings relating to patents or to designs; and with reference to any such proceedings the term "the Court" means the High Court in Ireland:

(3) If any rectification of a register under this Act is required in pursuance of any proceeding in a court, a copy of the order, decree, or other authority for the rectification shall be served on the comptroller, and he shall rectify the register accordingly.

96. ISLE OF MAN.—This Act shall extend to the Isle of Man, subject to the following modifications:—

(1) Nothing in this Act shall affect the jurisdiction of the courts in the Isle of Man in proceedings for infringement, or in any action or proceeding respecting a patent or design competent to those courts:

(2) The punishment for a misdemeanour under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard

labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the court:

(3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered, at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

Repeal, Savings, and Short Title.

97. Saving for Prerogative.—Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent or to the withholding of a grant thereof.

98. Repeal and Savings.—(1) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule—

(*a*) As respects the enactments mentioned in Part I. of that Schedule, as from the commencement of this Act;

(*b*) As respects the enactments mentioned in Part II. of that Schedule, as from the date when rules of the Supreme Court regulating the matters dealt with in those enactments come into operation;

(*c*) As respects the enactments mentioned in Part III. of that Schedule, as from the date when rules under this Act regulating the matters dealt with in those enactments come into operation;

and the enactments mentioned in Part II. and Part III. of that Schedule shall, until so repealed, have effect as if they formed part of this Act:

Provided that this repeal shall not affect any convention, Order in Council, rule, or table of fees having effect under any enactment so repealed, but any such convention, Order in Council, rule, or table of fees in force at the commencement of this Act shall continue in force, and may be repealed, altered or amended, as if it had been made under this Act.

(2) Except where otherwise expressly provided, this Act shall extend to all patents granted and all designs registered before the commencement of this Act, and to applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

99. Short Title and Commencement.—This Act may be cited as the Patents and Designs Act, 1907, and shall, save as otherwise expressly provided, come into operation on the first day of January one thousand nine hundred and eight.

SCHEDULES.

FIRST SCHEDULE.

Fees on Instruments for obtaining Patents and Renewal (s. 65).

	£ s. d.	£ s. d.
(*a*) *Up to sealing.*		
On application for provisional protection	1 0 0	
On filing complete specification	3 0 0	
		4 0 0
or		
On filing complete specification with first application		4 0 0
On the sealing of the patent in respect of investigations as to anticipation		1 0 0
(*b*) *Further before end of four years from date of patent.*		
On certificate of renewal		50 0 0
(*c*) *Further before end of eight years from date of patent.*		
On certificate of renewal		100 0 0

Or in lieu of the fees of £50 and £100 the following annual fees:	£	s.	d.
Before the expiration of the fourth year from the date of the patent .	10	0	0
" " " fifth " " " .	10	0	0
" " " sixth " " " .	10	0	0
" " " seventh " " " .	10	0	0
" " " eighth " " " .	15	0	0
" " " ninth " " " .	15	0	0
" " " tenth " " " .	20	0	0
" " " eleventh " " " .	20	0	0
" " " twelfth " " " .	20	0	0
" " " thirteenth " " " .	20	0	0

SECOND SCHEDULE.

ENACTMENTS REPEALED (s. 98).

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
46 and 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	The whole Act, except subsections (5), (6), and (7) of section twenty-six, section twenty-nine, subsections (2) and (3) of section forty-seven, and section forty-eight.
48 and 49 Vict. c. 63.	The Patents, Designs, and Trade Marks (Amendment) Act, 1885.	The whole Act.
49 and 50 Vict. c. 37.	The Patents Act, 1886.	The whole Act.
51 and 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	The whole Act.
1 Edw. 7 c. 18.	The Patents Act, 1901.	The whole Act.
2 Edw. 7 c. 34.	The Patents Act, 1902.	The whole Act.
7 Edw. 7 c. 28.	The Patents and Designs (Amendment) Act, 1907.	The whole Act.

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
46 and 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Subsections (5), (6), and (7) of section twenty-six, and section twenty-nine.

PART III.

Session and Chapter.	Short Title.	Extent of Repeal.
46 and 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Subsections (2) and (3) of section forty-seven and section forty-eight.

CHAPTER XXX.

An Act to amend sections fifty-seven, fifty-eight, and fifty-nine of the Public Health (Scotland) Act, 1897, relating to the prevention of infectious diseases.

[28*th August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Substitution of Precautionary for Prohibitory Provisions as to Infection. —(1) Section fifty-seven of the Public Health (Scotland) Act, 1897 (60 and 61 Vict. c. 38), shall be read as if the words "that proper precautions against spreading disease or infection have been taken, and that such child may attend school without the risk of infecting others" were substituted for the words "that such child has become free from disease and infection, and that the house and everything therein exposed to infection has been disinfected to the satisfaction of such medical officer or medical practitioner."

(2) Section fifty-eight of the said Act shall be read as if the words "shall (*a*) without proper precautions against spreading such disease or infection, milk any animal, or pick fruit, or engage in any occupation connected with food, or shall (*b*)" were substituted for the words "shall milk any animal, or pick fruit, or shall engage in any occupation connected with food, or"; and as if the words "or infection, and any person who knowingly" were substituted for the words "and any person who knowing himself to be suffering from any infectious disease."

(3) Section fifty-nine of the said Act shall be read as if the words "unless in every such case as aforesaid proper precautions have been taken against spreading such disease or infection; and any person contravening any of the foregoing provisions shall be liable to a penalty not exceeding ten pounds; and if without such precautions" were substituted for the words "and any person contravening any of the foregoing provisions shall be liable to a penalty not exceeding ten pounds; and if."

2. Short Title and Extent.—This Act shall apply to Scotland only, and may be cited as the Public Health (Scotland) Amendment Act, 1907; and the Public Health (Scotland) Act, 1897, and this Act may be cited collectively as the Public Health (Scotland) Acts, 1897 to 1907.

CHAPTER XXXI.

An Act to substitute a Statutory Declaration for the Certificate required under section two of the Vaccination Act, 1898, *of Conscientious Objection.* [28*th August* 1907.]

CHAPTER XXXII.

An Act to enable Regulations to be made for the Prevention of Danger arising to Public Health from the Importation, Preparation, Storage, and Distribution of Articles of Food. [28*th August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Power to make Regulations as to the Importation, Preparation, Storage, and Distribution of Articles of Food.—(1) The power of making regulations under the Public Health Act, 1896 (59 and 60 Vict c. 19), and the enactments mentioned in that Act, shall include the power of making regulations authorising measures to be taken for the prevention of danger arising to public health from the importation, preparation, storage, and distribution of articles of food or drink (other than drugs or water) intended for sale for human consumption, and, without prejudice to the generality of the powers so conferred, the regulations may—

(*a*) provide for the examination and taking of samples of any such articles;

(*b*) apply, as respects any matters to be dealt with by the regulations, any provision in any Act of Parliament dealing with the like matters, with the necessary modifications and adaptations;

(*c*) provide for the recovery of any charges authorised to be made by the regulations for the purposes of the regulations or any services performed thereunder.

(2) For the purposes of regulations made under this Act, articles commonly used for the food or drink of man shall be deemed to be intended for sale for human consumption unless the contrary is proved.

(3) In the application of this Act to Scotland, Part IV. of the Public Health

(Scotland) Act, 1897 (60 and 61 Vict. c. 38), shall be substituted for the Public Health Act, 1896.

2. PUBLICATION OF REGULATIONS.—All regulations made under this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893 (56 and 57 Vict. c. 66), shall apply to such regulations as if they were statutory rules within the meaning of section one of that Act, and that Act as so applied shall, notwithstanding anything in subsection five of section one thereof, extend to Scotland, with the substitution of a reference to the Edinburgh Gazette for the reference to the London Gazette.

3. SHORT TITLE.—This Act may be cited as the Public Health (Regulations as to Food) Act, 1907.

CHAPTER XXXIII.

An Act to amend the Law relating to the capacity of Women to be elected and act as Members of County or Borough Councils. [28*th August* 1907.]

CHAPTER XXXIV.

An Act to continue various Expiring Laws. [28*th August* 1907.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and seven:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

And whereas by the Indian Railways Act Amendment Act, 1906 (6 Edw. 7 c. 9), section nine of the Indian Railways Act, 1894 (57 and 58 Vict. c. 12) (by which the duration of that Act was limited) was repealed, and it is expedient that the reference to that Act in the Schedule to the Expiring Laws Continuance Act, 1906 (6 Edw. 7 c. 51) should be repealed:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. CONTINUANCE OF ACTS IN SCHEDULE.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and eight, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

(3) So much of the Expiring Laws Continuance Act, 1906, as refers to the Indian Railways Act, 1894, shall be repealed, and the Indian Railways Act Amendment Act, 1906, shall have effect as if the Expiring Laws Continuance Act, 1906, had never contained any reference to the Indian Railways Act, 1894.

2. SHORT TITLE.—This Act may be cited as the Expiring Laws Continuance Act, 1907.

SCHEDULE.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 3 and 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	——
(2.) 3 and 4 Vict. c. 91.	The Textile Manufactures (Ireland) Act, 1840.	The whole Act	5 and 6 Vict. c. 68. 30 and 31 Vict. c. 60.
(3.) 4 and 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act.	33 Vict. c. 13. 47 and 48 Vict. c. 43. 52 and 53 Vict. c. 30.
(4.) 10 and 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 and 22 Vict. c. 50.	——
(5.) 14 and 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act.	17 and 18 Vict. c. 116. 21 and 22 Vict. c. 94. 22 and 23 Vict. c. 46. 23 and 24 Vict. c. 124. 31 and 32 Vict. c. 114, s. 10.
(6.) 17 and 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 and 27 Vict. c. 29, s. 6. 31 and 32 Vict. c. 125. 46 and 47 Vict. c. 51.
(7.) 26 and 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act.	45 and 46 Vict. c. 61.
(8.) 27 and 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	——
(9.) 28 and 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act.	45 and 46 Vict. c. 49.
(10.) 28 and 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act.	41 and 42 Vict. c. 58. 41 and 42 Vict. c. 77 (Part II.). 59 and 60 Vict. c. 36. 61 and 62 Vict. c. 29.
(11.) 29 and 30 Vict. c. 52.	The Prosecutions Expenses Act, 1866.	The whole Act.	——
(12.) 31 and 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 and 43 Vict. c. 75. 46 and 47 Vict. c. 51.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(13.) 32 and 33 Vict. c 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act.	34 and 35 Vict c. 61.
(14.) 32 and 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 and 37 Vict. c. 87. 37 and 38 Vict. c. 87. 52 and 53 Vict. c. 40.
(15.) 33 and 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 and 35 Vict. c. 100. 49 Vict. c. 6.
(16.) 34 and 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——
(17.) 35 and 36 Vict. c. 33.	The Ballot Act, 1872.	The whole Act.	45 and 46 Vict. c. 50 (Municipal Elections).
(18.) 38 and 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act.	46 and 47 Vict. c. 51, s. 32. 48 and 49 Vict. c. 62. 49 and 50 Vict. c. 57.
(19.) 39 and 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	57 and 58 Vict. c. 49. 61 and 62 Vict. c. 37, s. 69.
(20.) 41 and 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878.	The whole Act.	48 and 49 Vict. c. 62. 49 and 50 Vict. c. 58. 54 and 55 Vict. c. 49.
(21.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act.	46 and 47 Vict. c. 51.
(22.) 43 and 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act.	6 Edw. 7 c. 58, s. 14.
(23.) 46 and 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act.	58 and 59 Vict. c. 40.
(24.) 47 and 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act.	56 and 57 Vict. c. 73.
(25.) 49 and 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 and 51 Vict. c. 24. 51 and 52 Vict. c. 63. 54 and 55 Vict. c. 41.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(26.) 51 and 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	—
(27.) 52 and 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 and 54 Vict. c. 60.
(28.) 58 and 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	—
(29.) 59 Vict. c. 1.	The Local Government (Elections) Act, 1896.	The whole Act.	—
(30.) 59 and 60 Vict. c. 48.	The Light Railways Act, 1896.	As to the powers of the Light Railway Commissioners.	—
(31.) 61 and 62 Vict. c. 49.	The Vaccination Act, 1898.	The whole Act.	—
(32.) 2 Edw. 7 c. 18.	The Licensing (Ireland) Act, 1902.	The whole Act.	—
(33.) 3 Edw. 7 c. 36.	The Motor Car Act, 1903.	The whole Act.	—

CHAPTER XXXV.

An Act to amend the Law as to the Council of India. [28*th August* 1907.]

CHAPTER XXXVI.

PUBLIC WORKS LOANS ACT, 1907.

[7 Edw. 7. Ch. 36.]

ARRANGEMENT OF SECTIONS.

Section.
1. Grants for public works.
2. Certain debts not to be reckoned as assets of local loans fund.
3. Transfer of volunteer corps mortgages from Commissioners to Secretary of State.
4. Public loan to Jamaica.
5. Public loan to Nigeria.
6. Extension of period for repayment of former loans under the Labourers (Ireland) Acts.
7. Transfer to Commissioners of Public Works in Ireland of powers of Public Works Loan Commissioners to make loans to harbour authorities in Ireland.
8. Amendment as to loans for planting in Ireland.
9. Remission of certain claims against Cullen Harbour Commissioners.
10. Short title.

SCHEDULES.

CHAPTER XXXVI.

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. GRANTS FOR PUBLIC WORKS.—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely:—

(*a*) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sums of three million pounds;

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of seven hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887 (50 and 51 Vict. c. 16).

2. CERTAIN DEBTS NOT TO BE RECKONED AS ASSETS OF LOCAL LOANS FUND.—Whereas it is expedient that the principal of the several local loans specified in the First Schedule to this Act should, to the extent specified in the last column of that Schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions to section fifteen of the said Act shall, so far as applicable, apply thereto.

3. TRANSFER OF VOLUNTEER CORPS MORTGAGES FROM COMMISSIONERS TO SECRETARY OF STATE.—Whereas the Public Works Loan Commissioners have from time to time, under the powers conferred on them by the Military Lands Acts, 1892 to 1900, lent various sums of money to volunteer corps in England and Scotland upon the security of certain lands belonging to, and certain parliamentary grants payable to, those corps:

And whereas by an agreement dated the twenty-first day of March nineteen hundred and seven, and made between Robert Philpot, the secretary of the said Commissioners, of the one part, and the Secretary of State for the War Department of the other part (which agreement is hereinafter referred to as the English agreement and copies whereof have been deposited with the Clerk of the Parliaments and the Clerk of the House of Commons), the said Robert Philpot in consideration of the payment by the Secretary of State into the Bank of England to the credit of the Commissioners of the sum herein mentioned, being the total amount then due to the Commissioners for principal and interest in respect of the mortgages specified in the schedule to the English agreement, agreed upon the request of the Secretary of State to transfer to him those mortgages and the securities for the same:

And whereas by an agreement made between the same parties and executed by them on the sixteenth and nineteenth days respectively of March nineteen hundred and seven (which agreement is hereinafter referred to as the Scottish agreement and copies whereof have been deposited with the Clerk of the Parliaments and the Clerk of the House of Commons) the said Robert Philpot in consideration of the payment by the Secretary of State into the Bank of England to the credit of the Commissioners of the sum therein mentioned, being the total amount then due to the Commissioners for principal and interest in respect of the securities specified in the schedule to the Scottish agreement, bound himself and the Commissioners when called upon by the Secretary of State to transfer to him those securities:

And whereas it is expedient that the mortgages and securities specified in the respective schedules to the English and Scotch agreements and the several properties comprised in those mortgages and securities should become forthwith vested in the Secretary of State:

Therefore by virtue of this Act, and without any further assurance:—

(1) The right of the Public Works Loan Commissioners to demand, sue for, and recover, and give receipts for the several sums secured by the mortgages and securities specified in the respective schedules to the English and Scottish agreements, and the benefit of all securities for those sums, and the benefit of and the right to sue on all covenants with the Commissioners, and the right to exercise all powers vested in the Commissioners under or by virtue of those mortgages and securities, shall become vested in the Secretary of State for the War Department for the time being absolutely; and

(2) The several properties comprised in the said mortgages and securities shall become vested in the Secretary of State for the War Department for the time being for all the estate and interest therein of the Commissioners, but subject to all rights of redemption now existing therein.

4. PUBLIC LOAN TO JAMAICA.—(1) The Treasury may advance by way of loan to the Government of Jamaica, for the purpose of restoring, replacing, or improving public and other buildings damaged by the recent earthquake and subsequent fire in the colony or purchasing sites for new buildings to replace the same, or for the purpose of making loans to persons within the colony on such security and terms of repayment as may be authorised by the Legislature of the colony for the purposes of restoring or replacing buildings so damaged, or in other ways repairing the loss and damage caused by the earthquake and fire, any sums not exceeding in the whole eight hundred thousand pounds.

(2) The advance shall bear interest at the rate for the time being applicable to loans made out of the Local Loans Fund on the security of local rates in England.

(3) The provisions of the Colonial Loans Act, 1899 (62 and 63 Vict. c. 36), set out in the Second Schedule to this Act, shall apply with respect to the advance authorised by this section as if they were herein re-enacted.

5. PUBLIC LOAN TO NIGERIA.—(1) The Treasury may advance by way of loan to the Government of Southern Nigeria, for the purpose of constructing and improving railway and other communication in Southern and Northern Nigeria, any sums not exceeding in the whole two million pounds.

(2) The advance shall bear interest at the rate for the time being applicable to loans made out of the Local Loans Fund, on the security of local rates in England.

(3) The provisions of the Colonial Loans Act, 1899 (62 and 63 Vict. c. 36), set out in the Second Schedule to this Act shall apply with respect to the advance authorised by this section as if they were herein re-enacted, but with the substitution in paragraph (*b*) of subsection (1) of section two as set out in the said schedule of the words "charges not existing at the date of the passing of this Act" for the words "subsequent charges."

6. EXTENSION OF PERIOD FOR REPAYMENT OF FORMER LOANS UNDER THE LABOURERS (IRELAND) ACTS.—(1) The period for the repayment of any loan made by the Commissioners of Public Works in Ireland under the Labourers (Ireland) Acts, 1883 to 1903, to rural district councils shall be extended by a period of eighteen and a half years, and the annual sum to be paid on account of the repayment of the outstanding principal of the loan and interest shall be re-calculated accordingly in accordance with regulations made by the Treasury for the purpose, and the payments to be made on the first day of May one thousand nine hundred and eight and thereafter in respect of that annual sum, shall be made on the basis of the sum as so re-calculated.

(2) Where any sums advanced by the Commissioners under the Labourers (Ireland) Acts, 1883 to 1903, have been issued by more than one instalment, the several instalments shall, for the purposes of this section, be treated as one advance, and the date from which the period for repayment is to be calculated for the purposes of this section shall be some convenient date fixed in accordance with regulations made by the Treasury, as nearly as may be midway between the gale day next after the issue of the first instalment and the gale day next after the issue of the last instalment.

(3) Nothing in this section shall affect the rate of interest on any such loan, nor prejudice any securities held by the Commissioners of Public Works in respect of the loan.

7. TRANSFER TO COMMISSIONERS OF PUBLIC WORKS IN IRELAND OF POWERS OF PUBLIC WORKS LOAN COMMISSIONERS TO MAKE LOANS TO HARBOUR AUTHORITIES IN

IRELAND.—The Power of the Public Works Loan Commissioners under Part I. of the Harbours and Passing Tolls, etc. Act, 1861 (24 and 25 Vict. c. 47), or any other Act, to make advances to harbour authorities shall, as regards advances to harbour authorities in Ireland, be transferred to the Commissioners of Public Works in Ireland, and, as respects any such advances, references in those Acts or in section seven of the Public Works Loans Act, 1882 (45 and 46 Vict. c. 62), or in any other Act or document to the Public Works Loan Commissioners, shall be construed as references to the Commissioners of Public Works in Ireland:

Provided that nothing in this section shall affect any loan made to a harbour authority in Ireland before the passing of this Act, or the powers and duties of the Public Works Loan Commissioners in relation thereto.

8. AMENDMENT AS TO LOANS FOR PLANTING IN IRELAND.—Planting, whether for shelter or for any other object, shall be a purpose for which loans may be made under the Landed Property Improvement (Ireland) Acts, and the words "for shelter" in section five of the Drainage and Improvement of Land (Ireland) Act, 1866 (29 and 30 Vict. c. 40), are hereby repealed.

9. REMISSION OF CERTAIN CLAIMS AGAINST CULLEN HARBOUR COMMISSIONERS.—Whereas the Public Works Loan Commissioners in the years eighteen hundred and eighty-six and eighteen hundred and eighty-seven advanced to the Cullen Harbour Commissioners, on the security of the harbour revenues, undertaking, and property, sums amounting to four thousand pounds towards defraying the cost of works authorised by the Cullen Harbour Order, 1884, the said loan being repayable with interest at the rate of three pounds fifteen shillings per cent. per annum within a period expiring on the fourth day of April nineteen hundred and twenty-seven:

And whereas the interest and instalments of principal due in respect of the loan were duly paid until the fourth day of October eighteen hundred and ninety-two, since which date the income of the harbour has proved insufficient to meet the payments due in respect of the loan, and there are now due to the Public Works Loan Commissioners arrears of interest which amounted on the thirty-first day of March last to one thousand four hundred and sixty-nine pounds five shillings and sixpence, while the principal outstanding amounts to three thousand six hundred and eighty-four pounds thirteen shillings and elevenpence:

And whereas repairs and improvements to the harbour are needed in order to render the accommodation adequate and safe, and the Cullen Harbour Commissioners are unable to raise the money for carrying out the necessary works as long as the said debt remains, and it is expedient that the said principal debt should be extinguished and the arrears of interest remitted:

Therefore the said principal debt so far as not repaid together with all claims for interest thereon shall be extinguished, and the amount thereof shall be deemed a free grant from Parliament.

10. SHORT TITLE.—This Act may be cited as the Public Works Loans Act, 1907.

SCHEDULES.

FIRST SCHEDULE (s. 2).

PART I.

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS.

Advanced under the Harbours and Passing Tolls, etc. Act, 1861 (24 *and* 25 *Vict. c.* 47).

Name of Borrower.	Amount of Loan.	Amount to be written off from Local Loans Fund, and to be extinguished.
	£	£ s. d.
Cullen Harbour Commissioners	4000	3684 13 11

Part II.

Loans by the Commissioners of Public Works, Ireland.

(1) *Loans under the Landed Property Improvement (Ireland) Act*, 1847 (10 *Vict. c.* 32).

Name of Borrower.	Amount of Loan.	Amount to be written off from Local Loans Fund.
	£	£ s. d.
Daniel Ottley	300	99 19 3
	200	73 15 3

(2) *Loans under the Land Law (Ireland) Act*, 1881 (44 *and* 45 *Vict c.* 49, *s.* 31).

Rose Monahan	200	127 18 10
Patrick McTague	60	1 10 6
Thomas and Patrick Loughlin, now Garret Hagans	80	2 5 9
Edward Galligan	80	29 8 6
Eleanor Ryan	100	80 2 2
Edward McManus	40	8 10 0
Samuel Kennedy	100	70 9 9
John Brady	70	63 6 3
John Mallon	50	36 6 7
Murty O'Shea	65	44 1 3
Lacky McGloin	40	36 9 5

(3) *Loans under the Drainage and Improvement of Lands (Ireland) Act*, 1863 (26 *and* 27 *Vict. c.* 88).

Name of Proprietor.	Amount of Principal Charge.	Amount to be written off from Local Loans Fund.
	£ s. d.	£ s. d.
Mrs Martha Switzer	30 5 10	5 6 2
J. Ryan	28 10 9	15 14 2
The Parsonstown and Portumna Railway Company	18 10 5	15 18 2

(4) *Loan under the Drainage Maintenance Act*, 1866 (29 *and* 30 *Vict. c.* 49).

Thomas Beirne	4 0 3	4 0 3

Part III.

Loans by the Fishery Board for Scotland.

Loan under the Crofters Holdings (Scotland) Act, 1886 (49 *and* 50 *Vict. c.* 29).

Name of Borrower.	Fishery District.	Amount of Loan.	Amount to be written off from Local Loans Fund.
		£	£ s. d.
Benjamin McIver	Helmsdale	66	3 15 7

SECOND SCHEDULE (SS. 4 AND 5).

PROVISIONS OF COLONIAL LOANS ACT, 1899, APPLIED.

1. POWER TO MAKE ADVANCES TO CERTAIN COLONIES AND PLACES.—(1) . . . . . .

(2) The advances authorised by this Act shall be local loans within the meaning of the National Debt and Local Loans Act, 1887 (50 and 51 Vict. c. 16), and that Act shall apply accordingly.

(3) Every such advance . . . . . shall be repaid within such period (not exceeding fifty years from the date thereof) as the Treasury and the Secretary of State determine in each case, and either by means of equal instalments of principal, or by means of an annuity of principal and interest combined as may be similarly determined.

2. SECURITY FOR LOAN.—(1) An advance shall not be made in pursuance of this Act until the legislative authority of the colony or place to the Government of which the advance is to be made have provided to the satisfaction of the Treasury and the Secretary of State—

(*a*) for raising and appropriating and duly applying the loan ;

(*b*) for charging on the general revenues and assets of the colony, with priority over any subsequent charges, the principal of the loan ; and

(*c*) for so charging and also for remitting to the Treasury in such manner as the Treasury determine—

(i) such yearly or half-yearly payments on account of the interest on, and the repayment of the principal of, the loan as the Treasury fix ; and

(ii) interest at such rate as the Treasury fix on any such payment in arrear ; and

(*d*) for raising or securing the raising of sufficient revenue to meet the above charges.

(2) Every Act or ordinance of the legislative authority of the colony or place which in any way impairs the validity or priority of any such charge or diminishes the revenue to be raised as above mentioned shall, so far as it impairs or diminishes the same, be void unless the consent of the Treasury and the Secretary of State has been previously obtained.

CHAPTER XXXVII.

An Act to Authorise the Treasury to guarantee the payment of a Loan to be raised by the Colony of the Transvaal. [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. POWER TO TREASURY TO GUARANTEE TRANSVAAL LOAN.—(1) The Treasury may, subject to the provisions of this Act, guarantee in such manner as they think fit the payment of the interest on any loan raised by the Colony of the Transvaal for the purposes set out in the First Schedule to this Act, not exceeding in the aggregate an amount of stock sufficient to raise five million pounds, or stock of a nominal amount of five million pounds, whichever is least, and also the sinking fund payments for the repayment of the principal of the loan as fixed in accordance with this Act.

(2) Subsections (2) to (6) of section one of the South African Loan and War Contribution Act, 1903 (3 Edw. 7 c. 27), which are set out in the Second Schedule to this Act, with the modifications shown in that schedule, shall apply, with respect to the guarantee, and the raising of the loan under this Act, as if they were herein re-enacted.

(3) The Treasury may guarantee the payment of sums secured by any Transvaal Treasury bills, or other securities which may be issued with their approval by the Governor of the Colony of the Transvaal, for the purpose of temporarily raising any sums in anticipation of the loan in the same manner as they may guarantee the interest on and the sinking fund payments for the loan, and the provisions of this section shall apply with respect to any such guarantee accordingly.

2. SHORT TITLE.—This Act may be cited as the Transvaal Loan (Guarantee) Act, 1907.

SCHEDULES.

FIRST SCHEDULE (s. 1).

	£
1. Land and agricultural bank	2,500,000
2. Railways, public works, irrigation, agricultural settlement, and development, and any expenses of and incidental to the issue of the loan .	The balance.

SECOND SCHEDULE (s. 1).

SUBSECTIONS (2) TO (6) OF SECTION 1 OF THE SOUTH AFRICAN LOAN AND WAR CONTRIBUTION ACT, 1903.*

1. (1) . . . . . .

. . . . . .

(2) POWER TO TREASURY TO GUARANTEE LOANS.—A guarantee shall not be given in pursuance of this Act until the Government of the Transvaal have provided to the satisfaction of the Treasury and the Secretary of State—

(*a*) for raising, appropriating, and duly applying the loan for the purposes and in the manner set out in the *First* Schedule to this Act, subject to any arrangements which may be made for the application of savings on one head of expenditure to another head of expenditure :

(*b*) for the establishment and regulation of a sinking fund for the purpose of the repayment within a period not exceeding fifty years from the *first day of July nineteen hundred and eight* of the principal of the loan :

(*c*) for charging on the general revenues and assets of the colony or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act, the principal and interest of the loan and any sinking fund payments for the repayment of the principal of the loan :

(*d*) for charging on the general revenues and assets of the colony immediately after the last-mentioned charge the repayment to the Treasury of any sum issued out of the Consolidated Fund under this Act on account of the guarantee of the loan, with interest thereon at the rate of four per cent. per annum :

(*e*) for raising or securing the raising of sufficient money to meet the above charges.

(3) If any loan guaranteed under this Act is raised by stock to which the Colonial Stock Act, 1877 (40 and 41 Vict. c. 59) applies, section nineteen of that Act shall not apply.

(4) Every Act or Ordinance of the Legislature of the Transvaal which in any way impairs the validity or priority of any such charge shall, so far as it impairs the same, be void unless the consent of the Treasury and the Secretary of State has been previously obtained.

(5) Any sums required by the Treasury for fulfilling their guarantee given under this Act shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and any sums paid on account of the repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(6) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act, and an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee as soon as may be after any guarantee is so given or any sum is so issued.

* Modifications are shown in italics.

CHAPTER XXXVIII.

An Act to make provision with respect to the Disposal of Mining Rights under section thirteen of the Irish Land Act, 1903, *and to amend section fifty-four of that Act.*

[28*th August* 1907.]

CHAPTER XXXIX.

FACTORY AND WORKSHOP ACT, 1907.

[7 EDW. 7. CH. 39.]

ARRANGEMENT OF SECTIONS.

LAUNDRIES.

Section.
1. Application of 1 Edw. 7 c. 22 to laundries.
2. Hours of employment of women and young persons in laundries.
3. Special regulations to be complied with in laundries.
4. Application of provisions as to domestic workshops.

INSTITUTIONS.

5. Application of Factory and Workshop Acts to certain institutions.

SUPPLEMENTAL.

6. Inspection of certain premises.
7. Short title, construction, commencement, and repeal.

CHAPTER XXXIX.

An Act to amend the Factory and Workshop Act, 1901, *with respect to Laundries, and to extend that Act to certain Institutions and to provide for the inspection of certain premises.* [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

LAUNDRIES.

1. APPLICATION OF 1 EDW. 7 C. 22 TO LAUNDRIES.—The Factory and Workshop Act, 1901 (which Act, as amended by any subsequent enactment, including this Act, is hereinafter referred to as the principal Act), shall, subject to the provisions of this Act, apply to laundries as if at the end of Part II. of the Sixth Schedule to that Act, enumerating non textile factories and workshops, the following paragraph were added:—

"(29) Laundries carried on by way of trade or for the purpose of gain, or carried on as ancillary to another business or incidentally to the purposes of any public institution."

2. HOURS OF EMPLOYMENT OF WOMEN AND YOUNG PERSONS IN LAUNDRIES.—(1) In laundries, other than laundries ancillary to a business carried on in any premises which, apart from the provisions of this Act, are a factory or workshop,—

(*a*) The period of employment of women may on any three days in the week, other than Saturday, begin at six o'clock in the morning and end at seven o'clock in the evening, or begin at seven o'clock in the morning and end at eight o'clock in the evening, or begin at eight o'clock in the morning and end at nine o'clock in the evening.

Provided that a corresponding reduction is made in the periods of employment on other days of the week, so that the total number of hours of the periods of employment of women, including the intervals allowed for meals, shall not exceed sixty-eight in any one week;

(*b*) Where the occupier of a laundry so elects, the following provisions shall apply to the laundry in lieu of the provisions of the last preceding paragraph:—

The period of employment of women may, on not more than four days, other than Saturday, in any one week, and on not more than sixty days in any calendar year, begin at six o'clock in the morning and end at seven o'clock in the evening, or begin at seven o'clock in the morning and end

at eight o'clock in the evening, or begin at eight o'clock in the morning and end at nine o'clock in the evening;

(*c*) Different periods of employment may be fixed for different days of the week.

(2) The foregoing provisions of this section shall be deemed to be special exceptions within the meaning of section sixty of the principal Act, but it shall not be lawful for the occupier of a laundry to change from the system of employment under the above paragraph (*a*) to the system of employment under the above paragraph (*b*), or vice versâ, oftener than once a year. The entry required to be made in the prescribed register by subsection four of the said section sixty as so applied shall, in the case of overtime employment under paragraph (*b*), be made before the commencement of the overtime employment on each day on which it is intended that there should be such employment, and, in reckoning the sixty days for the purposes of paragraph (*b*), every day on which any woman had been employed overtime shall be taken into account.

(3) Subject as aforesaid, the provisions of the principal Act as to hours of employment shall apply to laundries.

3. Special Regulations to be Complied with in Laundries.—In every laundry—

(*a*) If mechanical power is used, a fan or other efficient means shall be provided maintained, and used for regulating the temperature in every ironing room, and for carrying away the steam in every washhouse;

(*b*) All stoves for heating irons must be sufficiently separated from any ironing room or ironing table, and gas irons emitting any noxious fumes must not be used; and

(*c*) The floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which there is a contravention of any of these provisions shall be deemed to be a factory or workshop not kept in conformity with the principal Act.

4. Application of Provisions as to Domestic Workshops.—Subsection (2) of section one hundred and fourteen of the principal Act (which provides that certain domestic workshops are not to be deemed workshops within the meaning of that Act) shall apply to laundries as if for the words "the altering, repairing, ornamenting, or finishing of any article" there were substituted the words "the altering, repairing, ornamenting, washing, cleaning, or finishing of any article."

Institutions.

5. Application of Factory and Workshop Acts to Certain Institutions.—(1) Where in any premises forming part of an institution carried on for charitable or reformatory purposes, and not being premises subject to inspection by or under the authority of any Government Department, any manual labour is exercised in or incidentally to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, the provisions of the principal Act shall, subject to the provisions of this Act, apply to those premises notwithstanding that the work carried on therein is not carried on by way of trade or for the purposes of gain, or that the persons working therein are not working under a contract of service or apprenticeship.

(2) If in any institution to which this section applies the persons having the control of the institution (hereinafter referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by order direct that so long as the order is in force the principal Act shall apply to the institution subject to the following modifications:—

(*a*) The managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the workers, and of the education of children, and, if the Secretary of State is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions of the principal Act, the Secretary of State may approve the scheme, and upon the scheme being so approved the princi-

pal Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of the principal Act; any scheme when so approved shall be laid as soon as possible before both Houses of Parliament, and if either House, within the next forty days after such scheme has been laid before that House, resolve that the scheme ought to be annulled, the scheme shall, after the date of the resolution, be of no effect without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new scheme;

(*b*) The medical officer of the institution (if any) may, on the application of the managers, be appointed by the chief inspector of factories to be the certifying surgeon for the institution;

(*c*) The provisions of section one hundred and twenty-eight of the principal Act as to the affixing of an abstract of the principal Act and of notices shall not apply, but amongst the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals, and holidays, and education of children, and other matters dealt with in the principal Act;

(*d*) In the case of premises forming part of an institution carried on for reformatory purposes, if the managers of the institution so give notice to the chief inspector of factories, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid:

Provided that the Secretary of State, on being satisfied that there is reason to believe that a contravention of the principal Act is taking place in any such institution, may suspend the operation of this provision as respects that institution to such extent as he may consider necessary;

(*e*) The managers shall not later than the fifteenth day of January in each year send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as the Secretary of State may require, and shall, if any requirement of this paragraph is not complied with, be liable to a fine not exceeding five pounds.

SUPPLEMENTAL.

6. INSPECTION OF CERTAIN PREMISES.—Where in any premises which are subject to inspection by or under the authority of any Government Department any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory or workshop by reason that the work carried on therein is not carried on by way of trade or for the purposes of gain, or by reason that the persons employed in the work are not working under a contract of service or apprenticeship, the Secretary of State may arrange with the department that the premises shall, as respects the matters dealt with by the principal Act, be inspected by an inspector appointed under that Act, and where such an arrangement is made, inspectors appointed under the principal Act shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors of the department concerned.

7. SHORT TITLE, CONSTRUCTION, COMMENCEMENT, AND REPEAL.—(1) This Act may be cited as the Factory and Workshop Act, 1907, and shall be construed as one with the Factory and Workshop Act, 1901; and the Factory and Workshop Act, 1901, and this Act may be cited together as the Factory and Workshop Acts, 1901 and 1907.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

(3) Section one hundred and three of the Factory and Workshop Act, 1901, is hereby repealed.

CHAPTER XL.

An Act to provide for the early Notification of Births. [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. PROVISIONS FOR THE EARLIER NOTIFICATION OF BIRTHS.—The provisions of this section shall have effect in the area of any local authority in which this Act is adopted by that authority in accordance with the provisions of this Act—

(1) In the case of every child born in an area in which this Act is adopted it shall be the duty of the father of the child, if he is actually residing in the house where the birth takes place at the time of its occurrence, and of any person in attendance upon the mother at the time of, or within six hours after, the birth, to give notice in writing of the birth to the medical officer of health of the district in which the child is born, in manner provided by this section.

(2) Notice under this section shall be given by posting a prepaid letter or postcard addressed to the medical officer of health at his office or residence, giving the necessary information of the birth within thirty-six hours after the birth, or by delivering a written notice of the birth at the office or residence of the medical officer within the same time; and the local authority shall supply without charge addressed and stamped postcards containing the form of notice to any medical practitioner or midwife residing or practising in their area, who applies for the same.

(3) Any person who fails to give notice of a birth in accordance with this section shall be liable on summary conviction to a penalty not exceeding twenty shillings: Provided that a person shall not be liable to a penalty under this provision if he satisfies the court that he had reasonable grounds to believe that notice had been duly given by some other person.

(4) The notification required to be made under this Act shall be in addition to and not in substitution for the requirements of any Act relating to the registration of births; and any registrar of births and deaths whose sub-district or any part thereof is situate within any area in which this Act is adopted shall at all reasonable times have access to notices of births received by the medical officer of health under this Act, or to any book in which those notices may be recorded, for the purpose of obtaining information concerning births which may have occurred in his sub-district.

(5) This section shall apply to any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.

(6) Any expenses incurred by a local authority in the execution of this Act shall be paid as part of the expenses of that authority in the execution of the Acts relating to public health, and in the case of a rural district council shall be paid as general expenses.

2. ADOPTION OF ACT, AND DEFINITION OF LOCAL AUTHORITY.—(1) A local authority may by resolution adopt this Act in their area, and the provisions set out in the schedule to this Act shall have effect with respect to the resolution of adoption.

(2) A resolution of adoption shall not take effect until the consent of the Local Government Board has been obtained thereto.

(3) It shall be the duty of any local authority by whom this Act is adopted, as soon as the consent of the Local Government Board is given to the resolution of adoption, to bring the provisions of this Act to the attention of all medical practitioners and midwives practising in their area.

(4) In this Act, the expression "local authority" means the council of a borough (including the council of a metropolitan borough and the mayor, aldermen, and commons of the city of London in common council assembled), and the council of an

urban or a rural district, and the council of a county (other than the county of London) who may adopt the Act either for their whole county or for any county district therein:

Provided that—

(*a*) where the Act is adopted by the council of a county the county medical officer of health shall be substituted for the medical officer of health of the district, and the expenses of the execution of the Act shall be paid as general county expenses or special county expenses, as the case requires; and

(*b*) if, where the Act has been adopted by the council of a county for any county district, the council of the district, or, where the Act has been adopted by the council of a county district for their district, the council of the county, subsequently apply to the Local Government Board to be made the authority for the purposes of this Act, the Board may, if they think fit, make an order declaring that the Act shall take effect as if it had been adopted by the council of the county district instead of the council of the county, or by the council of the county instead of the council of the county district, as the case may be, and on any such order being made the Act shall take effect in accordance with the order.

(5) In London, the medical officer of health of every metropolitan borough (including the city of London) in which this Act is in force for the time being shall send weekly to the London County Council, in a form prescribed by the Local Government Board, a list of all notices of birth received by him under this Act during the past week.

3. POWER OF LOCAL GOVERNMENT BOARD TO PUT ACT IN FORCE IN THE AREA OF ANY LOCAL AUTHORITY.—The Local Government Board may by order declare that this Act shall be in force in the area of any local authority who have power to adopt the Act, although it has not been so adopted, if they think it expedient, having regard to the circumstances of the area, and in that case the order of the Local Government Board shall have the same effect for the purpose as a resolution of adoption duly passed by the local authority of the area and assented to by the Local Government Board.

4. APPLICATION TO SCOTLAND.—In the application of this Act to Scotland—

(1) The expression "Local Government Board" means the Local Government Board for Scotland;

(2) The expression "sub-district" means parish or district;

(3) The expression "local authority" and the expression "council" mean the local authority under the Public Health (Scotland) Act, 1897 (60 and 61 Vict. c. 38), and sub-section four of section two shall not apply;

(4) An offence may be tried before the sheriff or before any magistrate of a royal, parliamentary, or police burgh officiating under the provisions of any local or general Police Act; and an offender failing to make payment of a penalty shall be liable to imprisonment in terms of the Summary Jurisdiction Acts.

5. APPLICATION TO IRELAND.—In the application of this Act to Ireland, the Local Government Board for Ireland shall be substituted for the Local Government Board, and the expression "sub-district" means a registrar's district under the Acts relating to the registration of births.

6. SHORT TITLE.—This Act may be cited as the Notification of Births Act, 1907.

SCHEDULE.

RESOLUTION OF ADOPTION (s. 2).

1. A resolution of adoption must be passed at a meeting of the council.

2. One calendar month at least before the meeting of the council special notice of the meeting and of the intention to propose the resolution shall be given to every member of the council.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the area of the council by whom the resolution

is passed, and otherwise in such manner as the council thinks sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Local Government Board.

5. The resolution of adoption shall come into operation at such time, not less than one month after the first publication of the advertisement, as may be fixed by the Local Government Board.

CHAPTER XLI.

WHALE FISHERIES (SCOTLAND) ACT, 1907.

[7 Edw. 7. Ch. 41.]

ARRANGEMENT OF SECTIONS.

Section.
1. Prohibition of exercise of whaling industry without licence.
2. Licences may be granted by Fishery Board for Scotland on certain conditions.
3. Offences by holder of licence and others.
4. Inspection of whaling factories, etc.
5. Saving for certain whales and whaling industries.
6. Penalties.
7. Local inquiry.
8. Definition.
9. Application, commencement, and short title.

CHAPTER XLI.

An Act to regulate Whale Fisheries in Scotland. [28*th August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Prohibition of Exercise of Whaling Industry without Licence.—No person shall in any part of Scotland land any whale, or engage in any way in the manufacture from whales of oil or other primary products, without a licence granted and issued subject to the conditions hereinafter provided, and any person acting in contravention of this section shall be liable on summary conviction to a penalty not exceeding five hundred pounds.

2. Licences may be Granted by Fishery Board for Scotland on certain Conditions.—It shall be lawful for the Fishery Board for Scotland (in this Act referred to as the Board) to issue licences under this Act, subject to the following conditions:—

(1) A person applying to the Board for a licence shall, at least two months before making such application, publish notice thereof once in each of two consecutive weeks with an interval between each publication of not less than six days in one or more newspaper or newspapers circulating in the district in which the factory or station existing or to be erected is situate:

Such notice shall state the name and address of the applicant, and shall contain a description of the site or intended site of the factory or station where the process of manufacture as aforesaid is to be conducted:

(2) It shall be lawful for the local authority under the Public Health (Scotland) Act, 1897 (60 and 61 Vict. c. 38), or for any persons interested, within fourteen days after the publication of such notice as aforesaid to lodge with the Board objections to the granting of any such licence, and the Board shall consider any such objections, and, after such inquiry, if any, as they may think necessary, shall grant or refuse such licence:

(3) Each licence shall contain a description of the site of the factory or station erected or proposed to be erected as aforesaid, and no such factory or station shall be removed from the site in the said licence described to any other site, unless and until such other site shall have been approved by the Board, and their approval shall have been endorsed on the licence:

(4) Subject as hereinafter mentioned the holder of a licence shall not use or employ

more than one whaling steamer; provided that the Board shall, on the application of any person who before the first day of January one thousand nine hundred and seven has erected a factory or station for the prosecution of the whaling industry, authorise such person, by special permission endorsed on his licence, to use or employ not more than three additional whaling steamers, when the Board, after due inquiry, are satisfied that such additional steamer or steamers are necessary for the full and proper working of such factory or station as it existed at that date:

(5) No licence shall be granted except to a British subject or to a Company registered in Great Britain. Provided that this subsection shall not apply to the case of a person who has erected a factory or station for the prosecution of the whaling industry before the date mentioned in the immediately preceding subsection:

(6) The Board may at any time, on the application of the holder of a licence, cancel the licence, or in the case of the holder of a licence endorsed with a special permission, vary the number of whaling steamers (but in no case to exceed four) the use of which is authorised thereby; but it shall not be lawful to transfer or assign any licence without the consent of the Board, and any transfer or assignment shall be endorsed upon the licence:

(7) There shall be paid to the Board in respect of every licence issued under the provisions of this Act a sum of one hundred pounds for each whaling steamer the use of which is authorised thereby, and such sum shall be payable on the issue of the licence and thereafter annually during its continuance:

(8) Every licence shall be subject to all the conditions contained in this Act, and it shall be lawful for the Board, in the event of the infringement of any such condition by the holder of a licence, or of the conviction of such holder or any person employed by him of an offence under this Act, without compensation to cancel any licence or to suspend any licence for a specified period.

3. OFFENCES BY HOLDER OF LICENCE AND OTHERS.—(1) No holder of a licence or person employed by him shall in the prosecution of the whaling industry use any vessel, other than the whaling steamer from or by which a whale shall have been captured or killed, for the purpose of bringing or towing such whale to or towards any factory or station for manufacture.

(2) Every whaling steamer employed by the holder of a licence shall carry such distinctive mark as the Board, with the consent of the Board of Trade, may from time to time prescribe, and such mark shall be specified in the licence.

(3) No holder of a licence or person employed by him shall use, in the pursuit or capture of whales, any method or contrivance which does not include a harpoon with a whaling line attached thereto, and fixed or fastened to the whaling steamer from which the whale is captured or killed.

(4) No person shall pursue, kill, or shoot at any whale within three miles of low-water mark of any part of the coast of Scotland, and no holder of a licence or person employed by him shall pursue, kill, or shoot at any whale within the distance of one mile from any boat or vessel lying at anchor or engaged in fishing.

(5) No holder of a licence or person employed by him shall kill or shoot any herring-hog whale, or any whale which is accompanied by a calf.

(6) No holder of a licence or person employed by him shall in any year pursue, kill, or shoot whales between the first day of November and the thirty-first day of March, both days inclusive, or pursue, kill, or shoot whales within a distance of forty miles from low-water mark of any part of the coast of Scotland within such limits and during such period, not exceeding in any case five weeks during the summer herring fishing, as the Board may from time to time prescribe.

(7) In this section the expression "mile" means a nautical mile.

(8) Any person acting in contravention of this section shall be guilty of an offence under this Act.

(9) Where a whale which has been lawfully shot at and struck shall carry with it a fixed line within an area prohibited in terms of this section, nothing in this

section contained shall make it unlawful to continue the pursuit of such whale and to kill it in such area.

4. Inspection of Whaling Factories, etc.—(1) The Board shall give every assistance in carrying out the provisions of this Act, and, where necessary, shall employ their officers to facilitate its execution, and may, with the consent of the Secretary for Scotland, provide for the inspection of the factories or stations and vessels employed by the holders of licences, and such holders of licences and all persons employed by them shall give all reasonable facilities for such inspection, and shall make such returns on any matter connected with their whaling business as the Board may from time to time prescribe, and if required by the Board shall verify such returns by statutory declaration.

(2) The expenses incurred in any year by the Board in the execution of this Act shall, to the amount approved by the Treasury, be paid out of moneys provided by Parliament.

5. Saving for certain Whales and Whaling Industries.—(1) Nothing in this Act contained shall make it unlawful for any person to drive ashore and appropriate, sell, or otherwise make use of the smaller whales known as bottle-nose and caa-ing whales, or to appropriate, sell, or otherwise make use of such whales as he may find dead, whether floating on the sea or stranded on the shore.

(2) Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in Arctic or Antarctic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry.

6. Penalties.—Any person guilty of an offence under this Act shall, save as otherwise provided, be liable on summary conviction to a penalty not exceeding one hundred pounds, and on failure to make payment of the penalty which may have been imposed immediately or within a specified period shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction Acts. Every offence under this Act may be prosecuted in any sheriff court which the Board may declare by a notice under the hand of the Chairman of or the Secretary to the Board to the procurator-fiscal of such sheriff court to be the court nearest to the spot where the offence was committed, or otherwise the most convenient for the trial of the case.

7. Local Inquiry.—For the purposes of this Act subsection one of section ninety-three of the Local Government (Scotland) Act, 1889 (52 and 53 Vict. c. 50), respecting the holding of local inquiries shall apply as if it were enacted herein with the substitution of the Board for the Secretary for Scotland; provided that the nomination of a person to hold an inquiry shall be certified by writing under the hand of the Chairman of or the Secretary to the Board, and such person shall be paid his reasonable expenses and such remuneration as may be approved by the Treasury.

8. Definition.—In this Act the expression "whaling steamer" includes any ship used for the purpose of capturing or killing whales, whether propelled by steam power or otherwise.

9. Application, Commencement, and Short Title.—(1) This Act shall apply to Scotland only, and shall commence on the first day of January one thousand nine hundred and eight.

(2) This Act may be cited as the Whale Fisheries (Scotland) Act, 1907.

CHAPTER XLII.

An Act to provide for the payment to the Fishery Board for Scotland of the penalties or other moneys recovered in respect of illegal sea fishing in Scotland.

[28*th August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Penalties and Moneys Recovered to be Paid to the Fishery Board.—From and after the first day of April nineteen hundred and eight all penalties recovered in any prosecution for using or attempting to use any method of fishing in contraven-

tion of the Sea Fisheries (Scotland) Amendment Act, 1885 (48 and 49 Vict. c. 70), the Herring Fishery (Scotland) Act, 1889 (52 and 53 Vict. c. 23), the Herring Fishery (Scotland) Act Amendment Act, 1890 (53 and 54 Vict. c. 10), or the Sea Fisheries Regulation (Scotland) Act, 1895 (58 and 59 Vict. c. 42), or of any Act amending any of the said Acts, or of any byelaw or regulation under any of such Acts, shall be transmitted to the King's and Lord Treasurer's Remembrancer, and the balance remaining after deduction of the expenses of prosecutions chargeable to Votes of Parliament shall be paid to the Fishery Board for Scotland, and all moneys so paid, and all moneys accruing to the Board from the sale of anything lawfully forfeited and sold in respect of such method of fishing as aforesaid, shall be applied for the purpose of subsection three of section two of the Local Taxation Account (Scotland) Act, 1898 (61 and 62 Vict. c. 56), or otherwise in aid of the expenses incurred or to be incurred under any statutory power from time to time vested in the Board, in such manner as the Board may, with the consent of the Secretary for Scotland, determine.

2. SHORT TITLE.—This Act may be cited as the Sea Fisheries (Scotland) Application of Penalties Act, 1907, and shall be read along with the Act or Acts under which procedings are taken, as the case may be.

CHAPTER XLIII.

An Act to make provision for the better administration by the Central and Local Authorities in England and Wales of the enactments relating to Education. [28*th August* 1907.]

CHAPTER XLIV.

An Act to provide for the Abolition of two Judgeships of the High Court in Ireland, and to reduce the Salary of the Lord Chancellor of Ireland, and for other purposes connected therewith. [28*th August* 1907.]

CHAPTER XLV.

An Act to render compulsory the Carrying of Lights by Vehicles at Night. [28*th August* 1907.]

CHAPTER XLVI.

An Act to apply the provisions of the Life Assurance Companies Acts, 1870 *to* 1872, *to companies carrying on the business of insuring Employers against liability to pay compensation or damages to workmen in their Employment.* [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. APPLICATION OF ACTS.—(1) The provisions of the Life Assurance Companies Acts, 1870 to 1872, relating to life assurance companies established or commencing to carry on the business of life assurance within the United Kingdom after the passing of the Life Assurance Companies Act, 1870 (33 and 34 Vict. c. 61), shall apply to every company, whether established before or after the passing of this Act, which carries on within the United Kingdom the business of insuring employers against liability to pay compensation or damages to workmen in their employment, subject to such necessary modifications and adaptations as may be made therein by Order in Council:

Provided that—

(*a*) those provisions shall not apply—

(i) to any company which carries on such business as aforesaid as incidental only to the business of marine insurance by issuing marine policies, or policies in the form of marine policies covering such liability as aforesaid, as well as marine adventure or adventure analogous thereto; or

(ii) to an association of employers which satisfies the Board of Trade that it is carrying on business wholly or mainly for the purpose of the mutual insurance of its members either against liability to pay compensation or damages to workmen employed by them, or against that liability and against any other risk incident to their trade or industry · or

(iii) to a member of Lloyd's or any other association of underwriters approved by the Board of Trade, provided that he complies with the requirements set forth in the Schedule to this Act; and

(*b*) such of those provisions as relate to deposits shall not apply to any company which has commenced to carry on such business as aforesaid within the United Kingdom before the passing of this Act.

(2) Where money is paid into a county court under the provisions of the Schedule to this Act, the court shall (unless the court for special reason sees fit to direct otherwise) order the lump sum to be invested or applied, in the purchase of an annuity or otherwise, in such manner that the duration of the benefit thereof may, as far as possible, correspond with the probable duration of the incapacity.

(3) For the purposes of this section the expression "company" means any person or persons, corporate or unincorporate, not being registered under the Acts relating to friendly societies.

(4) In the application of this Act to Scotland the expression "county court" means sheriff court

2. Short Title and Commencement.—This Act may be cited as the Employers' Liability Insurance Companies Act, 1907, and shall come into operation on such day as may be specified in an Order in Council under this Act.

SCHEDULE.

Requirements to be Complied with by Underwriters (s. 1).

1. Every underwriter shall deposit and keep deposited in such manner as the Board of Trade may direct a sum of two thousand pounds. The Board of Trade may make rules as to the payment, repayment, investment of, and dealing with a deposit, the payment of interest and dividends from any such investment, and for any other matters in respect of which they may make rules under section one of the Life Assurance Companies Amendment Act, 1872, in relation to deposits made by life assurance companies. The sum so deposited shall so long as any liability under any policy issued by the underwriter remains unsatisfied be available solely to meet claims under such policies.

2. Where the person insured by any policy issued by an underwriter is liable to make a weekly payment to any workman during the incapacity of the workman, and the weekly payment has continued for more than six months, the liability therefor shall before the expiration of twelve months from the commencement of the incapacity be redeemed by the payment of a lump sum in accordance with paragraph (17) of the First Schedule to the Workmen's Compensation Act, 1906, and the underwriter shall pay the lump sum into the county court, and shall inform the court that the redemption has been effected in pursuance of the provisions of this Schedule.

3. The underwriter shall furnish every year to the Board of Trade a statement in such form as may be prescribed by the Board showing the extent and character of the employers' liability business effected by him.

4. For the purposes of this Schedule "policy" means a policy insuring any employer against liability to pay compensation or damages to workmen in his employment.

CHAPTER XLVII.

An Act to amend the Law relating to Marriage with a Deceased Wife's Sister.

[28*th August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Marriage with a Deceased Wife's Sister not to be deemed Void as a Civil

CONTRACT EXCEPT IN CERTAIN CASES.—No marriage heretofore or hereafter contracted between a man and his deceased wife's sister, within the realm or without, shall be deemed to have been or shall be void or voidable, as a civil contract, by reason only of such affinity: Provided always that no clergyman in holy orders of the Church of England shall be liable to any suit, penalty, or censure, whether civil or ecclesiastical, for anything done or omitted to be done by him in the performance of the duties of his office to which suit, penalty, or censure he would not have been liable if this Act had not been passed:

Provided also that when any minister of any church or chapel of the Church of England shall refuse to perform such marriage service between any persons who, but for such refusal, would be entitled to have the same service performed in such church or chapel, such minister may permit any other clergyman in holy orders in the Church of England, entitled to officiate within the diocese in which such church or chapel is situate, to perform such marriage service in such church or chapel.

Provided also that in case, before the passing of this Act, any such marriage shall have been annulled, or either party thereto (after the marriage and during the life of the other) shall have lawfully married another, it shall be deemed to have become and to be void upon and after the day upon which it was so annulled, or upon which either party thereto lawfully married another as aforesaid.

2. SAVING OF EXISTING RIGHTS AND INTERESTS.—No right, title, estate or interest, whether in possession or expectancy, and whether vested or contingent at the time of the passing of this Act, existing in, to, or in respect of, any dignity, title of honour, or property, and no act or thing lawfully done or omitted before the passing of this Act, shall be prejudicially affected nor shall any will be deemed to have been revoked by reason of any marriage heretofore contracted as aforesaid being made valid by this Act. And no claim by the Crown for duties leviable on or with reference to death, and before the passing of this Act due and payable, and no payment, commutation, composition, discharge, or settlement of account in respect of any duties leviable on or with reference to death before the passing of this Act duly made or given, shall be prejudicially affected by anything herein contained.

Nothing in this Act shall affect the devolution or distribution of the real or personal estate of any intestate, not being a party to the marriage, who at the time of the passing of this Act shall be and shall until his death continue to be a lunatic, so found by inquisition.

3. SAVING FOR 20 AND 21 VICT. c. 85, SECT. 27.—(1) Nothing in this Act shall remove wives' sisters from the class of persons adultery with whom constitutes a right, on the part of wives, to sue for divorce under the Matrimonial Causes Act, 1857.

(2) Notwithstanding anything contained in this Act or the Matrimonial Causes Act, 1857, it shall not be lawful for a man to marry the sister of his divorced wife, or of his wife by whom he has been divorced, during the lifetime of such wife.

4. LIABILITY OF CLERGYMAN TO ECCLESIASTICAL CENSURE.—Nothing in this Act shall relieve a clergyman in holy orders of the Church of England from any ecclesiastical censure to which he would have been liable if this Act had not been passed by reason of his having contracted or hereafter contracting a marriage with his deceased wife's sister.

5. INTERPRETATION.—In this Act the word "sister" shall include a sister of the half-blood.

6. SHORT TITLE.—This Act may be cited as the Deceased Wife's Sister's Marriage Act, 1907.

CHAPTER XLVIII.

An Act to amend the Law relating to the capacity of Women to be elected and act as Members of County or Town Councils in Scotland. [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. PROVISION AS TO CAPACITY OF WOMEN TO BE COUNTY OR TOWN COUNCILLORS.—

(1) A woman shall not be disqualified by sex or marriage for being elected or being a councillor of the council of any county or burgh in Scotland, but shall not—

(*a*) if elected as a councillor, by virtue of holding that office be eligible for election, or for acting, as a burgh magistrate, or as a judge in any police court, or as a member of a licensing court or court of appeal; or

(*b*) if elected as chairman of a county council or provost of a burgh, by virtue of holding or having held that office be a justice of the peace or burgh magistrate, or be eligible for election, or for acting, as a burgh magistrate, or as a judge in any police court: Provided that where a woman is elected as provost of a burgh the number of bailies to be elected in the burgh shall while she holds office as provost be one more than the number otherwise fixed by law, and any additional bailie so elected shall hold office for the period prescribed by the law regulating the office of burgh magistrate or bailie, subject to the provision that he shall in no case continue to hold office after the woman has ceased to hold office as provost.

(2) Subsection (1) of section nine of the Local Government (Scotland) Act, 1889 (52 and 53 Vict. c. 50), and the word "male" occurring in section twelve of the Town Councils (Scotland) Act, 1900 (63 and 64 Vict. c. 49), are hereby repealed.

2. Definitions.—In this Act the words "burgh" and "provost" have the meanings assigned to them in the Town Councils (Scotland) Act, 1900, and the word "county" does not include a county of a city.

3. Short Title and Extent.—This Act may be cited as the Qualification of Women (County and Town Councils) (Scotland) Act, 1907, and shall apply to Scotland only.

CHAPTER XLIX.

An Act to amend the Law with respect to Vaccination in Scotland by authorising a statutory declaration of conscientious objection. [28*th August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Statutory Declaration as to Conscientious Objection and Exemption from Penalties.—(1) No parent or other person shall be liable to any penalty under section seventeen or section eighteen of the Vaccination (Scotland) Act, 1863 (26 and 27 Vict. c. 108), if, within six months from the birth of the child he makes a statutory declaration that he conscientiously believes that vaccination would be prejudicial to the health of the child, and within seven days thereafter delivers the declaration to the registrar of the district in which such child was born and registered. A registrar to whom such a declaration is duly delivered shall not, so far as regards the child named therein, carry out the procedure as to intimation and transmission prescribed by the said sections in respect of the failure to transmit to him the certificate in those sections mentioned.

(2) A registrar shall keep such record of statutory declarations as may be prescribed by the Registrar-General, and shall furnish to any local authority executing the Public Health (Scotland) Act, 1897 (60 and 61 Vict. c. 38), within his district such periodical returns of statutory declarations as may be required of him and approved by the Local Government Board for Scotland, and for each declaration intimated in any such return he shall be paid by the local authority the sum of twopence, and the local authority shall provide the forms on which such returns are to be made and shall pay for their transmission by letter post.

(3) A registrar shall at any reasonable time allow searches to be made in such record of statutory declarations, and shall upon demand give a copy certificated under his hand of any entry therein on payment of the fee for a search and certificate respectively prescribed by section fifteen of the Vaccination (Scotland) Act, 1863.

(4) A statutory declaration made for the purposes of this Act shall be exempt from stamp duty.

(5) A statutory declaration for the purposes of this Act shall be made in the form set out in the schedule to this Act, or in a form to the like effect.

(6) In the application of this Act to a child born before the passing thereof there shall be substituted for the period of six months from the birth of the child the period of six months from the passing of this Act.

2. SHORT TITLE AND EXTENT.—This Act shall apply to Scotland only, and may be cited as the Vaccination (Scotland) Act, 1907; and the Vaccination (Scotland) Act, 1863, and this Act shall be construed together as one Act, and may be cited collectively as the Vaccination (Scotland) Acts, 1863 to 1907.

SCHEDULE.

FORM OF DECLARATION.

I, *A. B.*, of , in the parish of , being the father [*or* mother, *or* person having the care, nurture, or custody] of a child named *C. D.*, who was born at on the day of 19 , do hereby solemnly and sincerely declare that I conscientiously believe that vaccination would be prejudicial to the health of the child, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Dated this day of 19 .

(Signed) *A. B.*

Declared before me at on day of 19 .

(Signed) *E. F.*,
A Justice of the Peace [*or* Magistrate *or* Judge Ordinary].

CHAPTER L.

COMPANIES ACT, 1907.

[7 EDW. 7. CH. 50.]

ARRANGEMENT OF SECTIONS.

PROSPECTUS AND ALLOTMENT.

Section.
1. Obligations of companies where no prospectus is issued.
2. Amendment of 63 and 64 Vict. c. 48, s. 10.
3. Penalty for failure to file prospectus.
4. Simultaneous offer and allotment of shares and debentures.
5. Limitation of time for issue of certificates.
6. Filing of contracts of allotment of shares not payable in cash.

ISSUE OF SHARES AT A DISCOUNT AND PAYMENT OF COMMISSIONS.

7. Statement as to commissions and discounts.
8. Amendment of 63 and 64 Vict. c. 48, s. 8.

PAYMENT OF INTEREST OUT OF CAPITAL.

9. Power of company to pay interest out of capital in certain cases.

MORTGAGES AND CHARGES.

10. Amendment of 63 and 64 Vict. c. 48, s. 14, as to registration of mortgages and charges.
11. Registration of enforcement of security.
12. Registration of secured debts created before 1st of January 1901.
13. Effect of floating charge.
14. Perpetual debentures.
15. Power to re-issue redeemed debentures in certain cases.
16. Specific performance of contract to subscribe for debentures.
17. Inspection of register of mortgages.
18. Right of debenture holders to inspect the register of debenture holders and to have copies of trust deed.

AUDITORS; BALANCE SHEET; AND REPORTS.

Section.
19. Auditors.
20. Application to Scotland of s. 26 of 25 and 26 Vict. c. 89 and s. 19 of 63 and 64 Vict. c. 48.
21. Filing of annual statement of affairs by limited companies.
22. Report by directors under 63 and 64 Vict. c. 48, s. 12.
23. Rights of preference shareholders, etc., as to receipt and inspection of reports, etc.

GENERAL MEETING, ETC.

24. Annual general meeting.
25. Poll.

WINDING UP.

26. Amendment of law as to voluntary winding up.
27. Rights of creditors in a voluntary winding up.
28. Reckoning of contingent liabilities on petition to wind up.
29. Winding-up order where company has no assets.
30. Amendment of 51 and 52 Vict. c. 62, and 52 and 53 Vict. c. 60.
31. Dissolution of companies.

DIRECTORS.

32. Power of court to grant relief in certain cases.
33. Contributions under 53 and 54 Vict. c. 64.
34. Qualification of director.

REQUIREMENTS AS TO COMPANIES ESTABLISHED OUTSIDE THE UNITED KINGDOM.

35. Requirements as to companies established outside the United Kingdom.

MISCELLANEOUS.

36. Validity of debentures to bearer in Scotland.
37. Definition of private company.
38. Application of 33 and 34 Vict. c. 104 to companies not being wound up.
39. Re-organisation of capital.
40. Exemption of life assurance companies from 25 and 26 Vict. c. 89, s. 44.
41. Filing of accounts of receivers and managers.
42. Revocation of licences under 30 and 31 Vict. c. 131, s. 23.
43. Interpretation of 46 and 47 Vict. c. 30.
44. Construction of s. 56 of 25 and 26 Vict. c. 89.
45. Extraordinary resolutions.
46. Signature of documents.
47. Annual Report by Board of Trade.
48. Penalty for improper use of word "Limited."
49. Prosecution of offences under Companies Acts.
50. Miscellaneous amendments of Companies Acts.
51. Repeal.
52. Short title, construction, and commencement.
SCHEDULES.

CHAPTER L.

An Act to amend the Companies Acts, 1862 *to* 1900. [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PROSPECTUS AND ALLOTMENT.

1. OBLIGATIONS OF COMPANIES WHERE NO PROSPECTUS IS ISSUED.—(1) A company which does not issue a prospectus on or with reference to its formation shall not allot any of its shares or debentures unless before the first allotment of either shares or debentures there has been filed with the registrar a statement in lieu of prospectus, signed by every person who is named therein as a director or proposed director of the company or by his agent authorised in writing, in the form and containing the particulars set out in the First Schedule to this Act.

(2) Sections two, six, and eleven of the Companies Act, 1900 (63 and 64 Vict. c. 48), as amended by this Act, shall apply to companies which do not issue a prospectus inviting public subscription of their shares, subject to the modifications set out in the Second Schedule to this Act.

(3) In the case of the first allotment of share capital payable in cash of a company which does not issue any invitation to the public to subscribe for its shares, no allotment shall be made unless the minimum subscription (that is to say):—

(*a*) the amount (if any) fixed by the memorandum or articles of association and named in the statement in lieu of prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(*b*) if no amount is so fixed and named, then the whole amount of the share capital other than that issued or agreed to be issued as fully or partly paid up otherwise than in cash,

has been subscribed and an amount not less than five per cent. of the nominal amount of each share payable in cash has been paid to and received by the company.

(4) Section five of the Companies Act, 1900, shall apply as if the foregoing provisions of this section were included amongst the foregoing provisions of that Act mentioned in the said section five.

(5) This section shall not apply to private companies as defined by this Act, or to any company which has alloted any shares or debentures before the commencement of this Act.

2. AMENDMENT OF 63 AND 64 VICT. C. 48, S. 10.—(1) The following subsection shall be substituted for subsection one of section ten of the Companies Act, 1900:—

"(1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, must state—

"(*a*) the contents of the memorandum of association, with the names, descriptions, and addresses of the signatories, and the number of shares subscribed for by them respectively; and the number of founders or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and

"(*b*) the number of shares, if any, fixed by the articles of association as the qualification of a director, and any provision in the articles of association as to the remuneration of the directors; and

"(*c*) the names, descriptions, and addresses of the directors or proposed directors; and

"(*d*) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares the amount offered for subscription on each previous allotment made within the two preceding years, and the amount actually allotted; and the amount, if any, paid on such shares; and

"(*e*) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which such shares or debentures have been issued or are proposed or intended to be issued; and

"(*f*) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus, and the amount payable in cash, shares, or debentures to the vendor, and, where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor; provided that, where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors; and

"(*g*) the amount (if any) paid or payable as purchase money in cash, shares, or

debentures of any such property as aforesaid, specifying the amount (if any) payable for goodwill; and

"(*h*) the amount (if any) paid within the two preceding years or payable as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission; provided that it shall not be necessary to state the commission payable to sub-underwriters; and

"(*i*) the amount or estimated amount of preliminary expenses; and

"(*j*) the amount paid within the two preceding years or intended to be paid to any promoter and the consideration for any such payment; and

"(*k*) the dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected: Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than two years before the date of publication of the prospectus; and

"(*l*) the names and addresses of the auditors (if any) of the company; and

"(*m*) full particulars of the nature and extent of the interest (if any) of every director in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company; and

"(*n*) where the company is a company having shares of more than one class, the right of voting at meetings of the company conferred by the several classes of shares respectively."

(2) The said section of the Companies Act, 1900, shall not apply to a circular or notice inviting existing members or debenture holders of the company to subscribe for shares or debentures of the company, whether with or without the right to renounce in favour of other persons, and accordingly in subsection four of that section for the words "for further shares or debentures" there shall be substituted the words "for shares or debentures of the company, whether with or without the right to renounce in favour of other persons."

3. Penalty for Failure to File Prospectus.—If a prospectus is issued without a copy thereof being filed for registration as required by section nine of the Companies Act, 1900, the company and every person who is knowingly a party to the issue of the prospectus shall on conviction be liable to a fine not exceeding five pounds for every day from the date of the issue of the prospectus until a copy thereof is so filed.

4. Simultaneous Offer and Allotment of Shares and Debentures.—The following provision shall be substituted for subsection four of section six of the Companies Act, 1900:—

"(4) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures, or the receipt of any money payable on application for debentures."

5. Limitation of Time for Issue of Certificates.—(1) Every company shall within two months after the allotment of any of its shares, debentures, or debenture stock, and within two months after the registration of the transfer of any such shares, debentures, or debenture stock, complete and have ready for delivery the certificates of all shares, the debentures, and the certificates of all debenture stock allotted or transferred, unless the conditions of issue of the shares, debentures, or debenture stock otherwise provide.

(2) If default is made in complying with the requirements of this section, the company, and every director, manager, secretary, and other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding five pounds for every day during which the default continues.

6. Filing of Contracts of Allotment of Shares not Payable in Cash.—(1)

Where such a contract as is mentioned in paragraph (*b*) of subsection (1) of section seven of the Companies Act, 1900, is not reduced to writing, the company shall within the time limited in the said section file with the registrar the prescribed particulars of the contract stamped with the same stamp duty as would have been payable if the contract had been reduced to writing.

(2) Such particulars shall be deemed to be an instrument within the meaning of the Stamp Act, 1891 (54 and 55 Vict. c. 39), and the registrar may, as a condition of filing the particulars, require that the duty payable thereon be adjudicated under section twelve of that Act.

(3) The provisions of section seven of the Companies Act, 1900, imposing penalties for default shall apply as if the requirement of this section were a requirement contained in that section.

(4) If default has been made in filing with the registrar within the time limited by section seven of the Companies Act, 1900, any document required to be filed by that section or this section, the company, or any person liable for the default, may apply to the court for relief, and the court, if satisfied that the omission to file the document was accidental or due to inadvertence or that it is just and equitable to grant relief, may make an order extending the time for the filing of the document for such period as the court may think proper.

ISSUE OF SHARES AT A DISCOUNT AND PAYMENT OF COMMISSIONS.

7. STATEMENT AS TO COMMISSIONS AND DISCOUNTS.—The total amount of the sums paid by way of commission in respect of any shares or debentures or allowed by way of discount in respect of any debentures shall be stated in the summary made under section twenty-six of the Companies Act, 1862 (25 and 26 Vict. c. 89), next after the payment of the commission or the allowance of the discount, and the total amount thereof, or so much thereof as has not been written off, shall be stated in every balance sheet until the whole amount thereof has been written off.

8. AMENDMENT OF 63 AND 64 VICT. C. 48, S. 8.—(1) For removing doubts it is hereby declared that a vendor to, promoter of, or other person who receives payment in money or shares from, a company has, and always has had, power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, would have been legal under section eight of the Companies Act, 1900.

(2) The said section shall apply in cases where the shares are not offered to the public for subscription; provided that the payment of the commission is authorised by the articles of association of the company, and that the amount or rate paid or agreed to be paid as commission is disclosed in the statement in lieu of prospectus or in a statement in the prescribed form verified in like manner as a statement in lieu of prospectus and filed with the registrar, and, where a circular or notice, not being a prospectus, inviting subscriptions for the shares is issued, also disclosed in that circular or notice.

PAYMENT OF INTEREST OUT OF CAPITAL.

9. POWER OF COMPANY TO PAY INTEREST OUT OF CAPITAL IN CERTAIN CASES.—Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the company may pay interest on so much of such share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the work, building, or plant:

Provided that—

(1) No such payment shall be made unless the same is authorised by the company's articles of association or by special resolution of the company:

(2) No such payment, whether authorised by the articles of association or by special resolution, shall be made without the previous sanction of the Board of Trade:

(3) Before sanctioning any such payment the Board of Trade may, at the expense of the company, appoint a person to inquire and report to them as to the circumstances of the case, and may, before making the appointment, require the company to give security for payment of the costs of the inquiry:

(4) The payment shall be made only for such period as may be determined by the Board of Trade; and such period shall in no case extend beyond the close of the half year next after the half year during which the works or buildings have been actually completed or the plant provided:

(5) The rate of interest shall in no case exceed four per cent. per annum or such lower rate as may for the time being be prescribed by Order in Council:

(6) The payment of such interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid:

(7) The accounts of the company shall show the capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate:

(8) Nothing in this section shall affect any company to which the Indian Railways Act, 1894 (57 and 58 Vict. c. 12), as amended by any subsequent enactment, applies.

Mortgages and Charges.

10. Amendment of 63 and 64 Vict. c. 48, s. 14, as to Registration of Mortgages and Charges.—(1) Every mortgage or charge created by a company after the commencement of this Act and being either—

(*a*) a mortgage or charge for the purpose of securing any issue of debentures; or

(*b*) a mortgage or charge on uncalled capital of the company; or

(*c*) a mortgage or charge created or evidenced by an instrument which, if executed by an individual, would require registration as a bill of sale; or

(*d*) a mortgage or charge on any land, wherever situate, or any interest therein; or

(*e*) a mortgage or charge on any book debts of the company; or

(*f*) a floating charge on the undertaking or property of the company,

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with the instrument (if any) by which the mortgage or charge is created or evidenced, are delivered to or received by the registrar for registration in manner required by this Act within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured, and where a mortgage or charge becomes void under this section the money secured thereby shall immediately become payable:

Provided that—

(i) In the case of a mortgage or charge created out of the United Kingdom comprising solely property situate outside the United Kingdom, the delivery to and the receipt by the registrar of a copy of the instrument by which the mortgage or charge is created or evidenced, verified in the prescribed manner, shall have the same effect for the purposes of this section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in the United Kingdom, shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be delivered to the registrar; and

(ii) where the mortgage or charge is created in the United Kingdom but comprises property outside the United Kingdom, the instrument creating or purporting to create such mortgage or charge may be sent for registration notwithstanding that further proceedings may be necessary to make such

mortgage or charge valid or effectual according to the law of the country in which such property is situate; and

(iii) where a negotiable instrument has been given to secure the payment of any book debts of a company, the deposit of the instrument for the purpose of securing an advance to the company shall not for the purposes of this section be treated as a mortgage or charge on those book debts;

(iv) the holding of debentures entitling the holder to a charge on land shall not be deemed to be an interest in land.

(2) The registrar shall keep, with respect to each company, a register in the prescribed form of all such mortgages and charges created by the company after the commencement of this Act, and requiring registration under this section, and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

(3) Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of that series are entitled pari passu is created by a company, it shall be sufficient if there are delivered to or received by the registrar within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the first issue of any debentures of the series the following particulars:—

(*a*) the total amount secured by the whole series; and

(*b*) the dates of the resolutions authorising the issue of the series and the date of the covering deed, if any, by which the security is created or defined; and

(*c*) a general description of the property charged; and

(*d*) the names of the trustees, if any, for the debenture holders:

together with the deed containing the charge, or, if there is no such deed, one of the debentures of the series, and the registrar shall, on payment of the prescribed fee, enter such particulars in the register:

Provided that, where more than one issue is made of debentures in the series, there shall be sent to the registrar for entry on the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

(4) Where any commission, allowance, or discount has been paid or made, either directly or indirectly by the Company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required for registration under this section shall include particulars as to the amount or rate per cent. of the commission, discount, or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued:

Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

(5) The registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of this section, stating the amount thereby secured (which certificate shall be conclusive evidence that the requirements of this section as to registration have been complied with), and the company shall cause a copy of the certificate so given to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered:

Provided that nothing in this subsection shall be construed as requiring a company to cause a certificate of registration of any mortgage or charge given under this section to be endorsed on any debenture or certificate of debenture stock which has been issued by the company before the mortgage or charge was created.

(6) It shall be the duty of the company to send to the registrar for registration the particulars of every mortgage or charge created by the company and of the issues of debentures of a series and requiring registration under this section, but registration of any such mortgage or charge may be effected on the application of any person

interested therein, and, if the company fail to comply with the requirements of this subsection, then, unless the registration has been effected on the application of some other person, the company, and every director, manager, secretary, or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds for every day during which the default continues.

Where the registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration.

(7) The register kept, in pursuance of this section, of the mortgages and charges of each company shall be open to inspection by any person on payment of the prescribed fee, not exceeding one shilling for each inspection.

(8) Every company shall cause a copy of every instrument creating any mortgage or charge requiring registration under this section to be kept at the registered office of the company, and to be open to inspection by the members and creditors of the company in like manner as the register of mortgages under section forty-three of the Companies Act, 1862, and the provisions of that section (including the penal provisions thereof) shall apply accordingly: Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient.

(9) Section fourteen of the Companies Act, 1900, is hereby repealed.

11. Registration of Enforcement of Security.—(1) If any person obtains an order for the appointment of a receiver or manager of the property of a company, or appoints such a receiver or manager under any powers contained in any instrument, he shall, within seven days from the date of the order or of the appointment under the powers contained in the instrument, give notice of the fact to the registrar, and the registrar shall, on payment of the prescribed fee, enter the fact on the register of mortgages and charges.

(2) Where, at the commencement of this Act, any such receiver or manager is acting under an order or appointment made before the commencement of this Act, the notice shall be given within seven days after the commencement of this Act.

(3) If any person makes default in complying with the requirements of this section he shall on conviction be liable to a fine not exceeding five pounds for every day during which the default continues.

12. Registration of Secured Debts created before 1st of January 1901.—(1) It shall be the duty of a company within three months after the commencement of this Act to send to the registrar for registration a statement of the total amount outstanding at the commencement of this Act of the debts of the company secured by mortgages or charges created before the commencement of this Act, which under the provisions of this Act would have required registration had they been created after the commencement of this Act, except those already required to be registered under section fourteen of the Companies Act, 1900, and the registrar shall, on payment of the prescribed fee, enter those particulars on the register of mortgages and charges:

Provided that the neglect of the company to comply with the provisions of this subsection shall not prejudice the rights under any such mortgage or charge of any person in whose favour the mortgage or charge was made.

(2) If the company fail to comply with the requirements of this section, the company, and every director, manager, secretary, or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds for every day during which the default continues.

13. Effect of Floating Charge.—Where a company is being wound up, a floating charge on the undertaking or property of the company created within three months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid, except to the amount of any cash paid to the company at the time of or subsequently to the creation of, and in consideration for, the charge, together with interest on that amount at the rate of five per cent. per annum.

14. Perpetual Debentures.—For removing doubts it is hereby declared that a condition contained in any debentures or in any deed for securing debentures, whether issued or executed before or after the passing of this Act, shall not be invalid by reason only that thereby the debentures are made irredeemable or redeemable only on the

happening of a contingency, however remote, or on the expiration of a period, however long, any rule of equity to the contrary notwithstanding.

15. POWER TO RE-ISSUE REDEEMED DEBENTURES IN CERTAIN CASES.—(1) Where either before or after the passing of this Act a company has redeemed any debentures previously issued, the company, unless the articles of association of the company or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the Company so to do, and not being an obligation enforceable only by the person to whom the redeemed debentures were issued, or his assigns, shall have power, and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a company has purported to exercise such a power the company shall have power, and shall be deemed always to have had power, to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

(2) Where with the object of keeping debentures alive for the purpose of re-issue they have either before or after the passing of this Act been transferred to a nominee of the company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a company has either before or after the passing of this Act deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under this section, whether made before or after the passing of this Act, shall be treated as the issue of a new debenture for the purposes of stamp duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued: Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp duty and penalty.

(5) Nothing in this section shall prejudice—

(*a*) the operation of any judgment or order of a court of competent jurisdiction pronounced or made before the seventh day of March one thousand nine hundred and seven as between the parties to the proceedings in which the judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this Act had not been passed; or

(*b*) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished reserved to a company by its debentures or the securities for the same.

16. SPECIFIC PERFORMANCE OF CONTRACT TO SUBSCRIBE FOR DEBENTURES.—A contract with a company to take up and pay for any debentures of the company may be enforced by an order for specific performance.

17. INSPECTION OF REGISTER OF MORTGAGES.—The register of mortgages required by section forty-three of the Companies Act, 1862, shall be open to inspection by any person other than a creditor or member of the company on payment of such fee, not exceeding one shilling for each inspection, as may be fixed by regulations of the company, and that section shall apply accordingly.

18. RIGHT OF DEBENTURE HOLDERS TO INSPECT THE REGISTER OF DEBENTURE HOLDERS AND TO HAVE COPIES OF TRUST DEED.—(1) Every register of holders of debentures of a company shall, except when closed in accordance with the articles of the company during such period or periods (not exceeding in the whole thirty days in any year) as may be specified in the articles, be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company,

but subject to such reasonable restrictions as the company may in general meeting impose, so that at least two hours in each day are appointed for inspection, and every such holder may require a copy of such register or any part thereof on payment of sixpence for every one hundred words required to be copied.

(2) A copy of any trust deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment in the case of a printed trust deed of the sum of one shilling or such less sum as may be prescribed by the company for such copy, or, where the trust deed has not been printed, on payment of sixpence for every one hundred words required to be copied.

(3) If inspection is refused, or a copy is refused or not forwarded, the company shall on conviction be liable to a fine not exceeding five pounds, and to a further fine not exceeding two pounds for every day during which the refusal continues, and every director, manager, secretary, or other officer of the company who knowingly authorises or permits such refusal shall incur the like liability.

AUDITORS; BALANCE SHEET; AND REPORTS.

19. AUDITORS.—The following section shall be substituted for section twenty-three of the Companies Act, 1900:—

"(1) Every auditor of the company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors.

"(2) The auditors shall make a report to the shareholders on the accounts examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office, and the report shall state—

"(*a*) whether or not they have obtained all the information and explanations they have required; and

"(*b*) whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

"(3) The balance sheet shall be signed on behalf of the board by two of the directors of the company or, if there is only one director, by that director, and the auditors' report shall be attached to the balance sheet, or there shall be inserted at the foot of the balance sheet a reference to the report, and the report shall be read before the company in general meeting, and shall be open to inspection by any shareholder, who shall be entitled to be furnished with a copy of the balance sheet and the auditor's report at a charge not exceeding sixpence for every hundred words.

"(4) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the company not less than fourteen days before the annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the shareholders, either by advertisement or in any other mode allowed by the articles, not less than seven days before the annual general meeting: Provided that if, after a notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after that notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this provision, be sent or given at the same time as the notice of the general annual meeting.

"(5) If any copy of a balance sheet which has not been signed as required by this section is issued, circulated, or published, or if any copy of a balance sheet is issued, circulated, or published without either having a copy of the auditor's report attached thereto or containing such reference to that report as is required by this section, the company, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds."

20. APPLICATION TO SCOTLAND OF S. 26 OF 25 AND 26 VICT. C. 89, AND S. 19 OF 63 AND 64 VICT. C. 48.—In the case of companies registered in Scotland the summary mentioned in section twenty-six of the Companies Act, 1862, in addition to the particulars required to be specified by that section and by section nineteen of the Companies Act, 1900, shall also specify the total amount of debt due from the company in respect of all mortgages and charges, which, if the company had been registered in England, would be required, under this Act, to be filed for registration, or would have been required so to be filed if created after the commencement of this Act.

21. FILING OF ANNUAL STATEMENT OF AFFAIRS BY LIMITED COMPANIES.—Every company required to forward to the registrar a summary under section twenty-six of the Companies Act, 1862, shall include in that summary a statement, made up to such date as may be specified in the statement, in the form of a balance sheet, audited by the company's auditors, and containing a summary of its capital, its liabilities, and its assets, giving such particulars as will disclose the general nature of such liabilities and assets, and how the values of the fixed assets have been arrived at, but the balance sheet need not include a statement of profit and loss: Provided that this section shall not apply to any private company.

22. REPORT BY DIRECTORS UNDER 63 AND 64 VICT. C. 48, S. 12.—(1) The report which the directors are required by section twelve of the Companies Act, 1900, to forward to every member of the company at least seven days before the date on which the statutory meeting of the company is held shall contain an abstract of the receipts of the company on account of its capital, whether from shares or debentures, and of the payments made thereout, up to a date within seven days of the date of the report exhibiting under distinctive headings the receipts of the company from shares and debentures and other sources, the payments made thereout, and particulars concerning the balance remaining in hand, and an account or estimate of the preliminary expenses of the company.

(2) A private company shall not be required to forward or to file the report required under section twelve of the Companies Act, 1900.

23. RIGHTS OF PREFERENCE SHAREHOLDERS, ETC. AS TO RECEIPT AND INSPECTION OF REPORTS, ETC.—(1) Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance sheets of the company and the reports of the auditors and other reports as are possessed by the holders of ordinary shares in the company.

(2) This section shall not apply to a private company nor to a company registered before the commencement of this Act.

GENERAL MEETING, ETC.

24. ANNUAL GENERAL MEETING.—(1) The following section shall be substituted for section forty-nine of the Companies Act, 1862:—

"A general meeting of every company shall be held once at least in every calendar year, and not more than fifteen months after the holding of the last preceding general meeting, and, if not so held, the company, and every director, manager, secretary, and other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds."

(2) When default has been made in holding a meeting of the company in accordance with the provisions of this section, the court may on the application of any member of the company call or direct the calling of a general meeting of the company.

(3) Any company which is a member of another company may, by minute of the directors, authorise any of its officials or any other person to act as its representative at any meeting of the latter company, and such representative shall be entitled to exercise the same functions on behalf of the company which he represents as if he had been an individual shareholder.

25. POLL.—A poll may be demanded at a meeting of a company at which a special resolution is submitted to be passed or confirmed under section fifty-one of the Companies Act, 1862, if demanded by three persons for the time being entitled according to the articles of the company to vote, unless the articles of the company require a

demand by such number of such persons, not in any case exceeding five, as may be specified in the articles.

WINDING UP.

26. AMENDMENT OF LAW AS TO VOLUNTARY WINDING UP (25 AND 26 VICT. C. 89).—The liquidator of a company being wound up voluntarily shall, within twenty-one days after his appointment, file with the registrar a notice of his appointment in the prescribed form, and if any liquidator contravenes this provision he shall on conviction be liable to a fine not exceeding five pounds for every day during which the contravention continues.

27. RIGHTS OF CREDITORS IN A VOLUNTARY WINDING UP.—(1) Every liquidator appointed by a company in a voluntary winding up shall, within seven days from his appointment, send notice by post to all persons who appear to him to be creditors of the company that a meeting of the creditors of the company will be held on a date, not being less than fourteen days nor more than twenty-one days after his appointment, and at a place and hour to be specified in the notice, and shall also advertise notice of the meeting once in the Gazette and once at least in two local newspapers circulating in the district where the registered office or principal place of business of the company was situate.

(2) At the meeting to be held in pursuance of the foregoing provisions of this section the creditors shall determine whether an application shall be made to the court for the appointment of any person as liquidator in the place of or jointly with the liquidator appointed by the company, or for the appointment of a committee of inspection, and, if the creditors so resolve, an application may be made accordingly to the court at any time, not later than fourteen days after the date of the meeting, by any creditor appointed for the purpose at the meeting.

(3) On any such application the court may make an order either for the removal of the liquidator appointed by the company and for the appointment of some other person as liquidator or for the appointment of some other person to act as liquidator jointly with the liquidator appointed by the company, or for the appointment of a committee of inspection either together with or without any such appointment of a liquidator, or such other order as, having regard to the interests of the creditors and contributories of the company, may seem just, and no appeal shall lie from an order of the court upon such application.

(4) The court shall make such order as to the costs of such application as it may think fit, and, if the court should be of opinion that, having regard to the interests of the creditors in the liquidation, there were reasonable grounds for the application, the court may order the costs of such application to be paid out of the assets of the company notwithstanding that such application is dismissed or otherwise disposed of adversely to the applicant.

(5) The expression "Gazette" in this section means in the case of a company registered in England the London Gazette, in the case of a company registered in Scotland the Edinburgh Gazette, and in the case of a company registered in Ireland the Dublin Gazette.

28. RECKONING OF CONTINGENT LIABILITIES ON PETITION TO WIND UP.—In determining whether a company is unable to pay its debts within the meaning of section eighty of the Companies Act, 1862, the court shall take into account the contingent and prospective liabilities of the company, and any contingent or prospective creditor shall be a creditor entitled to present a petition for winding up the company under section eighty-two of that Act: Provided that the court shall not give a hearing to a petition for winding up the company by such a creditor until such security for costs has been given as the court thinks reasonable, and until a prima facie case for winding up has been established to the satisfaction of the court.

29. WINDING-UP ORDER WHERE COMPANY HAS NO ASSETS.—An order to wind up a company shall not be refused on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets, or that the company has no assets.

30. AMENDMENT OF 51 AND 52 VICT. C. 62, AND 52 AND 53 VICT. C. 60.—In the Preferential Payments in Bankruptcy Act, 1888, and the Preferential Payments in

Bankruptcy (Ireland) Act, 1889, the date on which the order to wind up was made shall, in the case of a company ordered to be wound up compulsorily, be substituted for the date of the commencement of the winding up of the company:

Provided that this provision shall not apply where the order is made with respect to a company which before the date of the order had commenced to be wound up voluntarily.

31. DISSOLUTION OF COMPANIES.—(1) Where a company has been wound up voluntarily and the return made by the liquidators to the registrar under section one hundred and forty-three of the Companies Act, 1862, has been registered in accordance with that section, the court may, on the application of the liquidators or of any other person who appears to the court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as to the court seems fit.

(2) Where a company has been dissolved, the court may at any time within two years of the date of the dissolution, on an application being made for the purpose by the liquidators of the company or by any other person who appears to the court to be interested, make an order, upon such terms as the court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved.

(3) It shall be the duty of the person on whose application any such order was made, within seven days after the making of the order, to file with the registrar an office copy of the order, and if such person fails to do so he shall be liable on conviction to a fine not exceeding five pounds for every day during which the default continues.

DIRECTORS.

32. POWER OF COURT TO GRANT RELIEF IN CERTAIN CASES.—If in any proceeding against a director of a company for negligence or breach of trust it appears to a court that the director is or may be liable in respect of the negligence or breach of trust, but has acted honestly and reasonably, and ought fairly to be excused for the negligence or breach of trust, the court may relieve him, either wholly or partly, from his liability on such terms as the court may think proper.

33. CONTRIBUTIONS UNDER 53 AND 54 VICT. C. 64.—A person liable to make any payment under the provisions of the Directors' Liability Act, 1890, shall not be entitled to recover contribution from another person under section five of that Act if the person liable to make the payment was, and such other person was not, guilty of fraudulent misrepresentation.

34. QUALIFICATION OF DIRECTOR.—The following provision shall be substituted for subsection (3) of section three of the Companies Act, 1900:—

"(3) If after the expiration of the said period or shorter time any unqualified person acts as a director of the company he shall be liable on conviction to a fine not exceeding five pounds for every day between the expiration of the said period or shorter time and the last day on which it is proved that he acted as a director."

REQUIREMENTS AS TO COMPANIES ESTABLISHED OUTSIDE THE UNITED KINGDOM.

35. REQUIREMENTS AS TO COMPANIES ESTABLISHED OUTSIDE THE UNITED KINGDOM.—(1) Every company incorporated outside the United Kingdom which at the commencement of this Act has a place of business in the United Kingdom, and every such company which after the commencement of this Act establishes such a place of business within the United Kingdom, shall within three months from the commencement of this Act or within one month from the establishment of such place of business, as the case may be, file with the registrar—

(*a*) a certified copy of the charter, statutes, or memorandum and articles of association, of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof;

(*b*) a list of the directors of the company;

(*c*) the names and addresses of some one or more persons resident in the United

Kingdom authorised to accept on behalf of the company service of process and any notices required to be served on the company;

and, in the event of any alteration being made in any such instrument or in the directors or in the names or addresses of any such persons as aforesaid, the company shall file with the registrar a notice of the alteration within such time as may be prescribed.

(2) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid and left at or sent by post to the address which has been so filed.

(3) Every company to which this section applies shall in every year file with the registrar such a statement of its affairs as would, if it were a company incorporated in the United Kingdom and having a capital divided into shares, be required under this Act to be included in the annual summary.

(4) Every company to which this section applies, and which uses the word "Limited" as part of its name, shall—

(*a*) in every prospectus inviting subscriptions for its shares or debentures in the United Kingdom state the country in which the company is incorporated; and

(*b*) conspicuously exhibit on every place where it carries on business in the United Kingdom the name of the company and the country in which the company is incorporated; and

(*c*) have the name of the company and of the country in which the company is incorporated mentioned in legible characters in all bill-heads and letter paper, and in all notices, advertisements, and other official publications of the company.

(5) If any company to which this section applies fails to comply with any of the requirements of this section the company, and every officer or agent of the company, shall on conviction be liable to a fine not exceeding fifty pounds, or, in the case of a continuing offence, five pounds for every day during which the failure continues.

(6) For the purposes of this section the expression "certified" means certified in the prescribed manner to be a true copy or a correct translation, and a share transfer or share registration office shall be deemed to be a place of business within the meaning of this section.

(7) There shall be paid to the registrar for registering any document required by this section to be filed with him a fee of five shillings or such smaller fee as may be prescribed.

MISCELLANEOUS.

36. VALIDITY OF DEBENTURES TO BEARER IN SCOTLAND.—Notwithstanding anything contained in the statute of the Scots Parliament of 1696, chapter twenty-five, debentures to bearer issued in Scotland are declared to be valid and binding according to their terms.

37. DEFINITION OF PRIVATE COMPANY.—(1) For the purposes of this Act the expression "private company" means a company which by its articles—

(*a*) restricts the right to transfer its shares; and

(*b*) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty; and

(*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the company.

(2) A private company may, subject to anything contained in the memorandum or articles of association of the company, by passing a special resolution and by filing with the registrar such a statement in lieu of prospectus as the company, if a public company, would under the provisions of this Act have had to file before allotting any of its shares or debentures, together with such a statutory declaration as the company, if a public company, would under the provisions of section six of the Companies Act, 1900, have had to file before commencing business, turn itself into a public company.

(3) Where two or more persons hold one or more shares in a company jointly, they shall, for the purposes of this section, be treated as a single member.

(4) Wherever in the Companies Acts a minimum of seven members is required only two members shall be required in the case of a private company.

38. APPLICATION OF 33 AND 34 VICT. C. 104 TO COMPANIES NOT BEING WOUND UP.—The Joint Stock Companies Arrangement Act, 1870, shall apply to a company which is not in the course of being wound up, in like manner as it applies to a company which is in the course of being wound up, as if in that Act references to the court having jurisdiction to wind up the company were substituted for references to the court, and references to the liquidator were omitted therefrom, and references to the company were substituted for references to contributories of the company.

39. REORGANISATION OF CAPITAL.—(1) A company may by special resolution confirmed by an order of the court modify the conditions contained in its memorandum of association so as to reorganise its capital, whether by the consolidation of shares of different classes, or by the division of its shares into shares of different classes: Provided always that no preference or special privilege attached to or belonging to any class of shares shall be interfered with except by a resolution passed by a majority of shareholders of that class representing three-fourths of the capital of that class and confirmed in the same manner as a special resolution of the company is required to be confirmed, and every resolution so passed shall bind all shareholders of such class.

(2) Where an order is made under this section an office copy thereof shall be filed with the registrar within seven days after the making of the order, and the resolution shall not take effect until such a copy has been so filed.

40. EXEMPTION OF LIFE ASSURANCE COMPANIES FROM 25 AND 26 VICT. C. 89, S. 44.—Section forty-four of the Companies Act, 1862, shall not apply to any life assurance company nor any other assurance company to which the provisions of the Life Assurance Companies Acts, 1870 to 1872 (33 and 34 Vict. c. 61), as to the annual statements to be made by such companies apply, with or without modification, if the company complies with those provisions.

41. FILING OF ACCOUNTS OF RECEIVERS AND MANAGERS.—Every receiver or manager of the property of a company who has been appointed under the powers contained in any instrument, and who has taken possession, shall, on ceasing to act as such, and also once in every half year while he remains in possession, file with the registrar an abstract in the prescribed form of his receipts and payments during the period to which the abstract relates, and shall also on ceasing to act as such receiver or manager file with the registrar notice to that effect, which notice shall be entered by the registrar on the register of mortgages and charges, and every such receiver or manager who makes default in complying with the provisions of this section within the prescribed time shall be liable to a fine not exceeding fifty pounds.

42. REVOCATION OF LICENCES UNDER 30 AND 31 VICT. C. 131, S. 23.—A licence granted by the Board of Trade under section twenty-three of the Companies Act, 1867 (which relates to associations formed for purposes not of gain), may at any time be revoked by the Board of Trade, and upon revocation the registrar shall enter the word "Limited" at the end of the name of the company upon the register, and the company shall cease to enjoy the exemptions and privileges granted by that section. Before any such licence is revoked under this section the Board of Trade shall give notice in writing of their intention to the company, and shall afford the company an opportunity of being heard in opposition to such revocation.

43. INTERPRETATION OF 46 AND 47 VICT. C. 30.—For removing doubts it is hereby declared that the Commonwealth of Australia is a colony within the meaning of the Companies (Colonial Registers) Act, 1883.

44. CONSTRUCTION OF S. 56 OF 25 AND 26 VICT. C. 89.—Section fifty-six, subsection (2), of the Companies Act, 1862, shall be read and construed as if the words therein "one-fifth part" had been "one-tenth part."

45. EXTRAORDINARY RESOLUTIONS.—An extraordinary resolution for the purposes of the Companies Act, 1862, and this Act, means a resolution which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution, and section fifty-three of the Companies Act, 1862, shall apply in the case of an extraordinary resolution in like manner as that section applies in the case of a special resolution, with the substitution of a reference to the date of the passing of the extraordinary resolution for the reference to the date of the confirmation of the special resolution.

46. Signature of Documents.—Any writing or licence which under the Companies Acts, 1862 to 1900, is required to be under the hand of one of the principal secretaries or assistant secretaries of the Board of Trade may be under the hand of any person authorised in that behalf by the President of the Board of Trade.

47. Annual Report by Board of Trade.—The Board of Trade shall cause a general annual report of matters within the Companies Acts, 1862 to 1900, and this Act to be prepared and laid before both Houses of Parliament.

48. Penalty for Improper Use of Word "Limited."—If any person or persons trade or carry on business under any name or title of which "Limited" is the last word, such person or persons shall, unless duly incorporated with limited liability, be liable to a penalty not exceeding five pounds for every day upon which such name or title has been used.

49. Prosecution of Offences under Companies Acts.—All offences under the Companies Acts made punishable by any penalty may be prosecuted under the Summary Jurisdiction Acts.

50. Miscellaneous Amendments of Companies Acts.—The amendments specified in the Third Schedule to this Act, which relate to minor details, shall be made in the Companies Acts.

51. Repeal.—The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

52. Short Title, Construction, and Commencement.—(1) This Act may be cited as the Companies Act, 1907; and the Companies Acts, 1862 to 1900, and this Act may be cited together as the Companies Acts, 1862 to 1907, and are in this Act referred to as the Companies Acts, and this Act shall for all purposes (including its application to Scotland) have effect as part of the Companies Act, 1900.

(2) In this Act the expression "the court" when used in relation to a company shall, unless the context otherwise requires, mean the court having jurisdiction under the Companies Acts, 1862 to 1900, to wind up the company.

(3) The provisions of this Act relating to perpetual debentures and the power of a company to re-issue redeemed debentures in certain cases, shall come into operation on the passing of this Act, and the other provisions of this Act shall come into operation on the first day of July one thousand nine hundred and eight.

SCHEDULES.

FIRST SCHEDULE (s. 1).

The Companies Acts, 1862 to 19 .

STATEMENT IN LIEU OF PROSPECTUS

filed by

LIMITED

pursuant to section of the Companies Act, 1907.

Presented for filing by _____

The Companies Acts, 1862 to 19 .

LIMITED.

STATEMENT IN LIEU OF PROSPECTUS.

The nominal capital of the company	£
Divided into	Shares of £ each. ,, ,, ,, ,, ,, ,,
Names, descriptions, and addresses of directors or proposed directors	

Minimum subscription (if any) fixed by the memorandum or articles of association on which the company may proceed to allotment.	
Number and amount of shares and debentures agreed to be issued as fully or partly paid-up otherwise than in cash. The consideration for the intended issue of such shares and debentures.	1. shares of £ fully paid. 2. shares upon which £ per share credited as paid. 3. debentures £ 4. Consideration.
Names and addresses of (*a*) vendors of property purchased or acquired, or proposed to be (*b*) purchased or acquired by the company. Amount (in cash, shares or debentures) payable to each separate vendor. (*a*) For definition of vendor, *see* section 10 (2) of the Companies Act, 1900, as amended by this Act. (*b*) *See* section 10 (3) of the Companies Act, 1900.	
Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill.	Total purchase price £ Cash . . £ Shares . £ Debentures . £ Goodwill . £
Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company, or Rate of such commission.	Amount paid. ,, payable. Rate per cent.
Estimated amount of preliminary expenses.	£
Amount paid or intended to be paid to any promoter. Consideration for such payment.	Name of promoter. Amount, £ Consideration :—
Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the filing of this statement).	
Time and place at which such contracts or copies thereof may be inspected.	
Names and addresses of the auditors of the company (if any).	
Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either	

to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.	
Whether the articles contain any provisions precluding holders of shares or debentures receiving and inspecting balance sheets or reports of the auditors or other reports.	Nature of the provisions.

We, *A. B.*, etc., secretary of the company, and *C. B.*, (A Director [or Solicitor]) of the company, hereby solemnly and sincerely declare that the statements above contained are true to the best of our knowledge, information, and belief, and we make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

SECOND SCHEDULE.

Modifications of Sections 2, 6, and 11 (s. 1).

References to a verified statement in lieu of prospectus and the filing thereof shall be substituted for references to a prospectus and the publication of a prospectus.

In section six the reference to shares offered for public subscription shall be construed as a reference to shares payable in cash.

There shall be added to subsection (1) of section six the following paragraph:

"(*d*) There has been filed with the registrar a statement in lieu of prospectus."

The registrar shall not give such a certificate as is mentioned in subsection (2) of section six unless a statement in lieu of prospectus has been filed with him.

THIRD SCHEDULE.

Miscellaneous Amendments of Companies Acts (s. 50).

Enactment to be amended.	Nature of Amendment.
Companies Act, 1862 (25 and 26 Vict. c. 89), s. 28.	After the word "stock" there shall be inserted the words "or re-converted stock into shares." After the word "conversion" there shall be inserted the words "or re-conversion." After the word "converted" there shall be inserted the words "or the stock re-converted."
s. 32.	After the words "hereinbefore mentioned" there shall be inserted the words "or any part thereof." After the word "sixpence" there shall be inserted the words "or such less sum as the company may prescribe." After the words "hundred words" there shall be inserted the words "or fractional part thereof."
s. 143.	At the beginning there shall be inserted the words "within one week after such meeting." After the words "the same was held" there shall be inserted the words "the registrar on receiving such return shall forthwith register it."
Companies Act, 1867 (30 and 31 Vict. c. 131), s. 16.	After the word "paid" there shall be inserted the words "or (as the case may be) the reduced amount, if any, which is to be deemed to have been paid."
Companies Act, 1879 (42 and 43 Vict. c. 76), s. 5.	For the words "in cases where no such increase of nominal capital may be resolved upon" there shall be substituted the words "either in conjunction with or without any such increase of nominal capital."
s. 7.	The whole section except the proviso to subsection (5) to be repealed.

FOURTH SCHEDULE.

ENACTMENTS REPEALED (S. 51).

Session and Chapter.	Short Title.	Extent of Repeal.
25 and 26 Vict. c. 89.	The Companies Act, 1862.	Section forty-nine. In section fifty-one, the words "by at least five members." Section sixty-five. Section one hundred and twenty-nine, from "for the purposes of this Act" to the end of the section.
53 and 54 Vict. c. 63.	The Companies (Winding-up) Act, 1890.	Subsection (2) of section twenty-nine.
63 and 64 Vict. c. 48.	The Companies Act, 1900.	In subsection (3) of section two, the words "or to a company which does not issue any invitation to the public to subscribe for its shares." In section three, subsection (3). In section six, subsection (4) and subsection (7) except so far as relates to companies registered before the commencement of this Act. In section ten, subsection (1) and proviso (*b*) to subsection (4). In subsection (2) of section twelve, paragraph (*c*). Section fourteen. Section twenty-three.

CHAPTER LI.

SHERIFF COURTS (SCOTLAND) ACT, 1907.

[7 EDW. 7. CH. 51.]

ARRANGEMENT OF SECTIONS.

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1. Short title
2. Commencement.
3. Interpretation.

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4. Jurisdiction.
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6. Action competent in sheriff court.
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8. Summary cause procedure and appeal.
9. Value of cause. How determined.
10. Privilege not to exempt from jurisdiction.

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11. Appointment of sheriffs and salaried sheriffs-substitute.
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13. Removal from office of sheriff and salaried sheriff-substitute.
14. Salaries of sheriffs and sheriffs-substitute.
15. Leave of absence to sheriff.
16. Leave of absence to salaried sheriff-substitute.
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18. Courts to be held by sheriffs in their sheriffdoms.
19. Secretary for Scotland to regulate number, duties, and residence of salaried sheriffs substitute.

Section.
20. Annuities to sheriffs and salaried sheriffs-substitute.
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22. Appointment of procurator-fiscal.
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25. Sessions.
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28. Appeal to Court of Session.
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30. Removal of cause for jury trial.

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31. Jury trial in sheriff court.
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34. Removings.
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43. Small debt sequestration for rent.
44. Parties may appear by agents in small debt court.
45. Procedure rules applicable to small debt causes.
46. Sections 10 and 11 of the Debtors (Scotland) Act, 1838, to apply to small debt causes.
47. Second extract of small debt decree competent.
48. Small debt cause may be remitted to ordinary court roll.

Postal Charge.

49. Postal charge.

Summary Applications.

50. Summary applications.

The Poor's Roll.

51. Poor's roll.

Repeal.

52. Repeal of statutes.
Schedules.

CHAPTER LI.

An Act to regulate and amend the Laws and practice relating to the civil procedure in Sheriff Courts in Scotland, and for other purposes. [28*th August* 1907.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY.

1. SHORT TITLE.—This Act may be cited for all purposes as the Sheriff Courts (Scotland) Act, 1907.

2. COMMENCEMENT.—Unless otherwise specially enacted this Act shall come into operation on the first day of January one thousand nine hundred and eight.

3. INTERPRETATION.—In construing this Act (unless where the context is repugnant to such construction)—

(*a*) "Sheriff" includes sheriff-substitute;

(*b*) "Tenant" includes sub-tenant;

(*c*) "Lease" includes sub-lease;

(*d*) "Action" includes every civil proceeding competent in the ordinary sheriff court;

(*e*) "Person" includes company, corporation, or association and firm of any description nominate or descriptive, or any Board corporate or incorporate;

(*f*) "Sheriff-clerk" includes sheriff-clerk depute;

(*g*) "Agent" means a law-agent enrolled in terms of the Law Agents (Scotland) Act, 1873 (36 and 37 Vict. c. 63);

(*h*) "Final judgment" means an interlocutor which, by itself, or taken along with previous interlocutors, disposes of the subject-matter of the cause, notwithstanding that judgment may not have been pronounced on every question raised, and that expenses found due may not have been modified, taxed, or decerned for;

(*i*) "Summary cause" includes—

(1) Actions (except applications under the Workmen's Compensation Act and actions with conclusions ad actum præstandum) for payment of money exceeding twenty pounds, and not exceeding fifty pounds, exclusive of interest and expenses;

(2) Actions of whatever kind (except applications under the Workmen's Compensation Act and actions under the Small Debt Acts) notwithstanding that the value may exceed fifty pounds, in which the parties consent to the action being treated as a summary cause;

(*j*) "Small Debt Acts" means and includes the Small Debt (Scotland) Acts, 1837 to 1889, and Acts explaining or amending the same;

(*k*) "Initial writ" means the statement of claim, petition, note of appeal, or other document by which the action is initiated;

(*l*) "Procurator-Fiscal" means procurator-fiscal in the sheriff-court;

(*m*) "Workmen's Compensation Act" means the Workmen's Compensation Act, 1906 (6 Edw. 7 c. 58), and any Acts explaining or amending the same;

(*n*) "Pursuer" means and includes any person making a claim or demand, or seeking any warrant or order competent in the sheriff court;

(*o*) "Defender" means and includes any person who is required to be called in any action;

(*p*) "Summary application" means and includes all applications of a summary nature brought under the common law jurisdiction of the sheriff, and all applications, whether by appeal or otherwise, brought under any Act of Parliament which provides, or, according to any practice in the sheriff court, which allows that the same shall be disposed of in a summary manner, but which does not more particularly define in what form the same shall be heard, tried, and determined.

JURISDICTION.

4. JURISDICTION.—The jurisdiction of the sheriffs, within their respective sheriffdoms, shall extend to and include all navigable rivers, ports, harbours, creeks, shores, and anchoring grounds in or adjoining such sheriffdoms. And the powers and jurisdictions formerly competent to the High Court of Admiralty in Scotland in all maritime causes and proceedings, civil and criminal, including such as may apply to

persons furth of Scotland, shall be competent to the sheriffs, provided the defender shall upon any legal ground of jurisdiction be amenable to the jurisdiction of the sheriff before whom such cause or proceeding may be raised, and provided also that it shall not be competent to the sheriff to try any crime committed on the seas which it would not be competent for him to try if the crime had been committed on land: Provided always that where sheriffdoms are separated by a river, firth, or estuary, the sheriffs on either side shall have concurrent jurisdictions over the intervening space occupied by water.

5. Extension of Jurisdiction.—Nothing herein contained shall derogate from any jurisdiction, powers, or authority presently possessed or in use to be exercised by the sheriffs of Scotland, and such jurisdiction shall extend to and include—

(1) Actions of declarator (except declarators of marriage or nullity of marriage, and actions the direct or main object of which is to determine the personal status of individuals):

(2) Actions of aliment, or of separation and aliment, and for regulating the custody of children:

(3) Actions of division of commonty and of division or division and sale of common property, in which cases the Act of 1695 concerning the division of commonties shall be read and construed as if it conferred jurisdiction upon the sheriff court in the same manner as upon the Court of Session:

(4) Actions relating to questions of heritable right or title (except actions of adjudication save in so far as now competent and actions of reduction), including all actions of declarator of irritancy and removing, whether at the instance of a superior against a vassal or of a landlord against a tenant:

(5) Suspension of charges or threatened charges upon the decrees of court granted by the sheriff or upon decrees of registration proceeding upon bonds, bills, contracts or other obligations registered in the books of the sheriff court, the books of council and session, or any others competent where the debt exclusive of interest and expenses does not exceed fifty pounds:

Provided that actions relating to questions of heritable right or title, including irritancy and removing or to division of commonties or division or divisions and sale, of common property shall, if raised in the sheriff court, be raised in the sheriff court of the jurisdiction and district where the property forming the subject in dispute is situated, and all parties against whom any such action may be brought shall in such action be subject to that jurisdiction: Provided also that it shall be competent for either party at the closing of the record or within six days thereafter to require the cause to be remitted to the Court of Session in the case of actions—

(*a*) Relating to questions of heritable right and title where the value of the subject in dispute exceeds fifty pounds by the year or one thousand pounds in value:

(*b*) Relating to the right of succession to moveables where the value of the subject in dispute exceeds one thousand pounds:

(*c*) Relating to division of commonty or division or division and sale of common property where the value of the subject in dispute exceeds fifty pounds by the year or one thousand pounds value:

Provided also, that on cause shown or ex proprio motu the sheriff may at any stage remit to the Court of Session any action of separation and aliment or relating to the custody of children.

6. Action Competent in Sheriff Court.—Any action competent in the sheriff court may be brought within the jurisdiction of the sheriff—

(*a*) Where the defender (or when there are several defenders where one of them) resides within the jurisdiction, or having resided there for at least forty days immediately prior to the raising of the action has ceased to reside there for less than forty days and whose present residence in Scotland is unknown:

(*b*) Where the defender carries on business, and has a place of business within the sheriffdom, and is cited either personally or at such place of business:

(*c*) Where the defender is a person not otherwise subject to the jurisdiction of the courts of Scotland, and a ship or vessel of which he is owner or part owner or master, or goods, debts, money, or other moveable property belonging to him, have been arrested within the jurisdiction:

(*d*) Where the defender is the owner or part owner or tenant or joint tenant, whether individually or as a trustee of heritable property within the jurisdiction, and the action relates to such property or to his interest therein:

(*e*) Where the action is for interdict against an alleged wrong being committed or threatened to be committed within the jurisdiction:

(*f*) Where the action relates to a contract the place of execution or performance of which is within the jurisdiction, and the defender is personally cited there:

(*g*) Where in an action of furthcoming or multiplepoinding the fund or subject in medio is situated within the jurisdiction; or the arrestee or holder of the fund is subject to the jurisdiction of the court:

(*h*) Where the party sued is the pursuer in any action pending within the jurisdiction against the party suing:

(*i*) Where the action arises out of the delict of the defender within the jurisdiction, and he is personally cited there:

(*j*) Where the defender prorogates the jurisdiction of the court.

7. PRIVATIVE JURISDICTION IN CAUSES UNDER FIFTY POUNDS VALUE.—Subject to the provisions of this Act and of the Small Debt Acts, all causes not exceeding fifty pounds in value exclusive of interest and expenses competent in the sheriff court shall be brought and followed forth in the sheriff court only, and shall not be subject to review by the Court of Session: Provided that in actions ad factum præstandum, where the value of the cause is not disclosed, the same shall be deemed to exceed fifty pounds, unless in the course of the cause the sheriff shall determine, as after provided, that the value thereof is less than fifty pounds: Provided also that nothing herein contained shall affect any right of appeal competent under any Act of Parliament in force for the time being.

8. SUMMARY CAUSE PROCEDURE AND APPEAL.—In a summary cause the sheriff shall order such procedure as he thinks requisite, and (without a record of the evidence, unless on the motion of either party the sheriff shall order that the evidence be recorded) shall dispose of the cause without delay by interlocutor containing findings in fact and in law. Where the evidence has been recorded the judgment of the sheriff-substitute upon fact and law may in ordinary form be brought under review of the sheriff, but where the evidence has not been recorded, the findings in law only shall be subject to review. In a summary cause, if the sheriff, on appeal, is of opinion that important questions of law are involved, he shall state the same in his interlocutor, and he may then or within seven days from the date of his interlocutor grant leave to appeal to a division of the Court of Session on such questions of law, but otherwise the judgment of the sheriff shall be final.

9. VALUE OF CAUSE. HOW DETERMINED.—The sheriff before whom the cause depends shall (in such way as he may think expedient) inquire into and determine the value thereof for the purposes of this Act, and his determination shall be final as regards the competency of the action on the ground of value but not otherwise.

10. PRIVILEGE NOT TO EXEMPT FROM JURISDICTION.—No person shall be exempt from the jurisdiction of the sheriff court on account of privilege by reason of being a member of the College of Justice.

SHERIFFS.

11. APPOINTMENT OF SHERIFFS AND SALARIED SHERIFFS-SUBSTITUTE.—The right of appointing to the salaried offices of sheriff and salaried sheriff-substitute shall be vested in His Majesty, and shall be exercised on the recommendation of the Secretary for Scotland.

12. QUALIFICATION FOR SHERIFF AND SALARIED SHERIFF-SUBSTITUTE.—Every person appointed to the office of sheriff shall be an advocate of five years' standing at least or, if not an advocate, a sheriff-substitute of five years' standing at least; and every person appointed to the office of salaried sheriff-substitute shall be an advocate or a law agent within the meaning of the Law Agents (Scotland) Act, 1873 (36 and 37 Vict. c. 63): Provided always that such advocate or law agent shall be of not less than five years' standing in his profession.

13. REMOVAL FROM OFFICE OF SHERIFF AND SALARIED SHERIFF-SUBSTITUTE.—It shall be lawful for the Secretary for Scotland, upon a report prepared at his instance by the

Lord President of the Court of Session and the Lord Justice-Clerk for the time being, declaring that a sheriff in Scotland is by reason of inability, neglect of duty, or misbehaviour unfit for his office, to issue an order for his removal from office: Provided always that such order shall lie before both Houses of Parliament for a period of four consecutive weeks while Parliament is sitting, and, if either House of Parliament within that period resolve that such order ought not to take effect, the same shall be of no effect, but otherwise shall come into operation at the expiration of the said period. In this paragraph "sheriff" does not include "sheriff-substitute."

A salaried sheriff-substitute shall be removeable from his office by the Secretary for Scotland for inability or misbehaviour upon the report of the Lord President of the Court of Session and the Lord Justice-Clerk for the time being.

14. SALARIES OF SHERIFFS AND SHERIFFS-SUBSTITUTE.—It shall be lawful to grant to any sheriff or sheriff-substitute such salary as to the Treasury may seem meet, and every such salary shall be paid by four equal quarterly instalments, and shall be charged upon and be payable out of the Consolidated Fund.

15. LEAVE OF ABSENCE TO SHERIFF.—It shall be lawful for the Secretary for Scotland, on an application made by or on behalf of any sheriff for leave of absence on account of temporary illness or other reasonable cause, to grant such leave of absence for such period as he shall deem proper, and to appoint some other person who shall be a sheriff of some other sheriffdom, or an advocate of not less than five years' standing, to act as interim sheriff in the place and during the absence of such sheriff, and on such interim appointment being made to fix what proportion of the salary of the sheriff shall be paid to the interim sheriff, and to certify the same in writing; and such certificate when presented in Exchequer to the King's and Lord Treasurer's Remembrancer shall be sufficient warrant for him for payment to such interim sheriff of the proportion of the sheriff's salary therein mentioned. A sheriff appointed to be interim sheriff under this section shall not by accepting such interim appointment vacate his office as sheriff. An interim sheriff appointed under this section shall have and exercise all the powers and privileges and perform all the duties of the sheriff, and his acts, orders, and judgments shall have the same force and effect as if done, made, or pronounced by the sheriff. In this section "sheriff" does not include sheriff-substitute.

16. LEAVE OF ABSENCE TO SALARIED SHERIFF-SUBSTITUTE.—In the event of any salaried sheriff-substitute, by reason of ill-health, being temporarily unable to discharge the duties of his office, it shall be lawful for the Secretary for Scotland on application being made to him by or on behalf of such sheriff-substitute to appoint a person qualified to fill the office of sheriff-substitute to act ad interim in the place and during the absence of such sheriff-substitute, and on such interim appointment being made the Treasury may, on the recommendation of the Secretary for Scotland, allow such interim sheriff-substitute such remuneration as they think fit out of monies to be provided by Parliament.

17. HONORARY SHERIFF-SUBSTITUTE.—The sheriff may by writing under his hand appoint such persons as he thinks proper to hold the office of honorary sheriff-substitute within his sheriffdom during his pleasure, and for whom he shall be answerable. An honorary sheriff-substitute, during the subsistence of his commission, shall be entitled to exercise the powers and duties appertaining to the office of sheriff-substitute. An honorary sheriff-substitute shall hold office, notwithstanding the death, resignation, or removal of the sheriff, until his commission shall be recalled by a succeeding sheriff. In this section "sheriff" does not include sheriff-substitute.

18. COURTS TO BE HELD BY SHERIFFS IN THEIR SHERIFFDOMS.—Every sheriff shall, unless prevented by indisposition or other unavoidable cause, hold annually in his sheriffdom courts for the discharge of the judicial business of the sheriffdom; and such courts shall continue until the causes ready for trial or hearing when such courts commence shall be disposed of; and each sheriff shall give due notice of the times and places of such courts; and, unless otherwise prescribed, each sheriff shall, once in the year, go on the small debt circuit, in use to be held by the sheriff-substitute, and shall, on such occasions, in addition to holding the small debt court, despatch as much of the ordinary business as may be ready for adjudication, or as time may permit; and each sheriff shall annually, within ten days after the twelfth day of November, make a return to the Secretary for Scotland of the number of courts and sittings held by him, and of

the periods of holding each such court, in the immediately preceding year, stating the cause of absence in case the court hereinbefore directed shall not have been held by him in terms of this Act, provided that the above provisions shall not extend to the sheriffs of the Lothians and Peebles and of Lanarkshire: Provided always that it shall be lawful for the Secretary for Scotland to prescribe from time to time the number of courts to be held by the several sheriffs and the times and places for holding such courts, and also from time to time to prescribe the duties of the office of sheriff which such sheriffs respectively are required to perform personally. In this section "sheriff" does not include sheriff-substitute.

19. SECRETARY FOR SCOTLAND TO REGULATE NUMBER, DUTIES, AND RESIDENCE OF SALARIED SHERIFFS-SUBSTITUTE.—It shall be lawful for the Secretary for Scotland from time to time to prescribe the number of salaried sheriffs-substitute of the several sheriffdoms, and the places at which such salaried sheriffs-substitute respectively are required generally to reside and to attend for the performance of their duties, the number of courts to be held by such sheriffs-substitute, the times and places of holding such courts, and the duties to be performed by such sheriffs-substitute; and it shall also be lawful for the Secretary for Scotland, if he shall think fit, to direct that the sheriff-substitute of one county shall perform the duties of sheriff-substitute in an adjacent county; and any such direction shall be equivalent in all respects to a commission to act in such adjacent county in favour of the sheriff-substitute so directed; and no salaried sheriff-substitute shall be absent from the sheriffdom for more than six weeks in any year nor for more than two weeks at any one time nor so as to interfere with the regular sittings of his court, without the special consent in writing of the sheriff, who shall be bound, in the event of his giving such consent, either to attend personally during the absence of such substitute, or to appoint another person qualified as in section twelve hereof to act as substitute in his stead.

20. ANNUITIES TO SHERIFFS AND SALARIED SHERIFFS-SUBSTITUTE.—It shall be lawful for the Treasury, upon the recommendation of the Secretary for Scotland, to grant an annuity payable in like manner as the salaries to any person who has held, now holds, or may hereafter hold the office of sheriff or salaried sheriff-substitute whose period of service (notwithstanding that such service may not have been continuous and may have been in different sheriffdoms and may have been partly as sheriff-substitute and partly as sheriff) has been not less than ten years. Provided always that such annuity shall not exceed one-third of the salary payable to such person in case the period of his service shall have been not less than ten years, and shall not exceed two-thirds of such salary in case the period of service shall have been not less than fifteen years, and shall not exceed three-fourths of such salary in case the period of service shall have been not less than twenty years or upwards: Provided also that (except as hereinafter provided) no such annuity shall be granted to any sheriff or sheriff-substitute unless the periods of his actual service shall, when taken together, extend to one or other of the periods of service before mentioned, and that in computing the amount of said annuity the emoluments drawn by him on an average of the five preceding years shall be held to constitute his salary: Provided also that no such annuity shall be granted unless such sheriff or sheriff-substitute shall have duly fulfilled the duties of his office during one of the periods before mentioned, and is from age or permanent infirmity disabled from the due exercise of his office, which facts shall be certified by the Lord President, the Lord Justice-Clerk, and the Lord Advocate for the time being as having been established to their satisfaction: Provided also that if a sheriff is removed under section thirteen hereof before he has completed ten years' service on the ground that he is by reason of inability unfit for his office, it shall be lawful for the Treasury to grant him an annuity of such amount and for such period as they shall consider just in all the circumstances, but in no case exceeding three-tenths of the salary payable to such sheriff, and any such annuity shall be charged upon and payable out of the same fund and in the same manner as annuities to sheriffs are paid and charged under the first section of the Public Revenue and Consolidated Fund Charges Act, 1854 (17 and 18 Vict. c. 94). In the last proviso of this section "sheriff" shall not include sheriff-substitute.

21. DISQUALIFICATIONS AND DISABILITIES OF SHERIFFS AND SALARIED SHERIFFS-SUBSTITUTE.—It shall not be lawful for a sheriff to advise, plead, or otherwise act as an

advocate before any of the King's Courts at Edinburgh, or at the Circuit Court, in any cause civil or criminal arising within or coming from his sheriffdom; and no sheriff or salaried sheriff-substitute shall be steward, chamberlain, factor, agent, or commissioner to any subject whatsoever, or shall exercise, or act in the employment, service, or office of such steward, chamberlain, factor, agent, or commissioner; and no sheriff or salaried sheriff-substitute shall be capable of being elected or of sitting or voting as a member of the House of Commons, nor shall he be entitled to vote at any election for any member of Parliament held within his sheriffdom; nor shall he act directly or indirectly as an agent for any candidate in any matter connected with, or preparatory to, any election for the county or burgh respectively in which he shall be sheriff or salaried sheriff-substitute; and it shall not be lawful for a salaried sheriff-substitute to engage in legal, banking, or other private practice or business, or to act directly or indirectly as a procurator before any court, or to be in partnership with any person so engaged or acting, nor shall such sheriff-substitute be appointed to any office, except such office as shall be by statute attached to the office of sheriff-substitute.

Any sheriff or salaried sheriff-substitute acting contrary to the provisions of this section shall be guilty of misbehaviour within the meaning of section thirteen of this Act.

Procurators-Fiscal.

22. Appointment of Procurator-Fiscal.—From and after the passing of this Act the right of appointing to the office of procurator-fiscal shall be vested in the Lord Advocate.

23. Removal of Procurator-Fiscal.—No person holding the office of procurator-fiscal at the passing of this Act, and receiving salary on that account, and no person who may be hereafter appointed to the office of procurator-fiscal, shall be removable from office, except by the Secretary for Scotland, for inability or misbehaviour, upon a report by the Lord President of the Court of Session and the Lord Justice-Clerk for the time being.

24. Procurator-Fiscal may appoint Depute.—A procurator-fiscal may, with the consent of the Lord Advocate, grant a deputation to one or more fit persons, for whose actings he shall be responsible, to sign writs, to appear in court, and to conduct prosecutions and inquiries in his name and on his behalf. In the event of a vacancy in the office of procurator-fiscal any depute or deputes so appointed shall have and discharge all the powers, privileges, and duties of a procurator-fiscal until such vacancy is filled up.

Session.

25. Sessions.—In each sheriff court there shall be held two sessions in the year, a winter and a summer session. The winter session shall extend from the first ordinary court day in October to the last ordinary court day in March. The sittings of the court may, at Christmas time, be suspended for a period not exceeding fifteen days. The summer session shall extend from the first ordinary court day in May to the last ordinary court day in July.

26. Vacation Courts.—The sheriff shall, before the termination of each winter session, appoint at least one court day during the spring vacation for the despatch of civil business, and before the termination of each summer session he shall in like manner appoint at least two court days during the autumn vacation for the same purpose. Any cause may proceed during vacation as during session, and in all causes interlocutors may competently be pronounced during vacation.

Appeals.

27. Appeal to Sheriff.—Subject to the provisions of this Act an appeal to the sheriff shall be competent against all final judgments of the sheriff-substitute and also against interlocutors—

(a) Granting or refusing interdict, interim or final;

(b) Granting interim decree for payment of money other than a decree for expenses, or making an order ad factum præstandum;

(c) Sisting an action;

(d) Allowing or refusing or limiting the mode of proof not being an interlocutor fixing a diet for jury trial;

(e) Against which the sheriff-substitute either ex proprio motu or on the motion of any party grants leave to appeal;

Provided always that notwithstanding the death, resignation, or removal of a sheriff, appeals may be taken from the judgment of the sheriff-substitute, which appeals shall be heard by the succeeding sheriff when he shall enter upon office.

28. APPEAL TO COURT OF SESSION.—Subject to the provisions of this Act it shall be competent to appeal to the Court of Session against a judgment of a sheriff-substitute or of a sheriff, but that only if the value of the cause exceeds fifty pounds; and the interlocutor appealed against is a final judgment; or is an interlocutor—

(a) Granting interim decree for payment of money other than a decree for expenses;

(b) Sisting the action;

(c) Against which the sheriff or the sheriff-substitute, either ex proprio motu or on the motion of any party, grants leave to appeal: Provided that any exclusion or allowance of appeal competent under any Act of Parliament in force for the time being shall not be affected by this or the preceding section.

29. EFFECT OF APPEAL.—An appeal shall be effectual to submit to review the whole of the interlocutors pronounced in the cause, and shall be available to and may be insisted in by all other parties in the cause notwithstanding they may not have noted separate appeals. An appeal shall not prevent immediate execution of a warrant of sequestration for rent, or of warrants to take inventories, or place effects in custody ad interim, or warrants for interim preservation, and an interim interdict, although appealed against, shall be binding till recalled.

REMOVAL OF CAUSE TO COURT OF SESSION FOR JURY TRIAL.

30. REMOVAL OF CAUSE FOR JURY TRIAL.—In cases originating in the sheriff court (other than claims by employees against employers in respect of injury caused by accident arising out of and in the course of their employment and concluding for damages under the Employers' Liability Act, 1880, or alternatively at common law or under the Employers' Liability Act, 1880, 43 and 44 Vict. c. 42), where the claim is in amount or value above fifty pounds, and an order has been pronounced allowing proof (other than an order for proof to lie in retentis or for recovery of documents) it shall, within six days thereafter, be competent to either of the parties, who may conceive that the cause ought to be tried by jury, to require the cause to be remitted to the Court of Session for that purpose, where it shall be so tried: Provided, however, that the Court of Session shall, if it thinks the case unsuitable for jury trial, have power to remit the case back to the sheriff, or to remit it to a Lord Ordinary, or to send it for proof before a Judge of the Division before whom the cause depends.

JURY TRIAL IN SHERIFF COURT.

31. JURY TRIAL IN SHERIFF COURT.—In any action raised in the sheriff court by an employee against his employer concluding for damages under the Employers' Liability Act, 1880, or alternatively under that Act or at common low in respect of injury caused by accident arising out of and in the course of his employment, where the claim exceeds fifty pounds, either party may so soon as proof has been allowed, or within six days thereafter, require that the cause shall be tried before a jury, in which case the sheriff shall appoint the action to be tried before a jury of seven persons. The verdict of the jury shall be applied in an interlocutor by the sheriff, which shall be the final judgment in the cause, and may, subject to the provisions of this Act, be appealed to either Division of the Court of Session, but that only upon one or more of the following grounds—

(1) That the verdict has been erroneously applied by the sheriff;

(2) That the verdict is contrary to the evidence;

(3) That the sheriff had in the course of the trial unduly refused or admitted evidence or misdirected the jury;

(4) That an award of damages is inadequate or is excessive.

Upon such appeal the court may refuse the appeal or may find under head (1) that the verdict was erroneously applied, and give judgment accordingly, or under the other heads before mentioned may set aside the verdict and order a new trial, provided that if the judges are equally divided in opinion the verdict shall stand.

32. Sheriff to State Questions for Jury.—Where jury trial has been ordered the sheriff shall after hearing parties, if he shall think that necessary or desirable, issue an interlocutor setting forth the question or questions of fact to be at the trial proponed to the jury and fixing a time and place for the trial, being not sooner than fourteen days from the date of the interlocutor.

33. Remuneration of Jurors.—Where jury trial has been ordered the party moving for it shall, on each day the trial proceeds, before the proceedings commence, deposit with the sheriff-clerk the sum of three pounds ten shillings, which deposit shall form part of the expenses of the cause; failing any such deposit being made, the sheriff may dismiss the cause. Out of said fund the sheriff-clerk shall pay to each juror a fee of ten shillings for each day on which he is empanelled. When a jury trial is not proceeded with, said deposit shall be returned to the depositor.

Removings.

34. Removings.—Where lands exceeding two acres in extent are held under a probative lease specifying a term of endurance, and whether such lease contains an obligation upon the tenant to remove without warning or not, such lease, or an extract thereof from the books of any court of record, shall have the same force and effect as an extract decree of removing obtained in an ordinary action at the instance of the lessor, or any one in his right, against the lessee or any party in possession, and such lease or extract shall along with authority in writing signed by the lessor or any one in his right or by his factor or law agent be sufficient warrant to any sheriff officer or messenger-at-arms of the sheriffdom within which such lands or heritages are situated to eject such party in possession, his family, sub-tenants, cottars, and dependants, with their goods, gear and effects, at the expiry of the term or terms of endurance of the lease: Provided that previous notice in writing to remove shall have been given—

(a) When the lease is for three years and upwards not less than one year and not more than two years before the termination of the lease; and

(b) In the case of leases from year to year (including lands occupied by tacit relocation) or for any other period less than three years, not less than six months before the termination of the lease (or where there is a separate ish as regards land and houses or otherwise before that ish which is first in date):

Provided that if such written notice as aforesaid shall not be given the lease shall be held to be renewed by tacit relocation for another year, and thereafter from year to year: Provided further that nothing contained in this section shall affect the right of the landlord to remove a tenant who has been sequestrated under the Bankruptcy (Scotland) Act, 1856 (19 and 20 Vict. c. 79), or against whom a decree of cessio has been pronounced under the Debtors (Scotland) Act, 1880 (43 and 44 Vict. c. 34), or who by failure to pay rent has incurred any irritancy of his lease or other liability to removal: Provided further that removal or ejectment in virtue of this section shall not be competent after six weeks from the date of the ish last in date: Provided further that nothing herein contained shall be construed to prevent proceedings under any lease in common form; and that the foregoing provisions as to notice shall not apply to any stipulations in a lease entitling the landlord to resume land for building, planting, feuing, or other purposes or to subjects let for any period less than a year.

35. Letter of Removal.—Where any tenant in possession of any lands exceeding two acres in extent (whether with or without a written lease) shall, either at the date of entering upon the lease or at any other time, have granted a letter of removal, either holograph or attested by one witness, such letter of removal shall have the same force and effect as an extract decree of removing, and shall be a sufficient warrant for ejection to the like effect as is provided in regard to a lease or extract thereof, and shall be operative against the granter of such letter of removal or any party in his

right within the same time and in the same manner after the like previous notice to remove: Provided always that where such letter is dated and signed within twelve months before the date of removal or before the first ish, if there be more than one ish, it shall not be necessary that any notice of any kind shall be given by either party to the other.

36. NOTICE TO REMOVE.—Where lands exceeding two acres in extent are occupied by a tenant without any written lease, and the tenant has given to the proprietor or his agent no letter of removal, the lease shall terminate on written notice being given to the tenant by or on behalf of the proprietor, or to the proprietor by or on behalf of the tenant not less than six months before the determination of the tenancy, and such notice shall entitle the proprietor, in the event of the tenant failing to remove, to apply for and obtain a summary warrant of ejection against the tenant and every one deriving right from him.

37. NOTICE OF TERMINATION OF TENANCY.—In all cases where houses, with or without land attached, not exceeding two acres in extent, lands not exceeding two acres in extent let without houses, mills, fishings, shootings, and all other heritable subjects (excepting land exceeding two acres in extent) are let for a year or more, notice of termination of tenancy shall be given in writing to the tenant by or on behalf of the proprietor or to the proprietor by or on behalf of the tenant: Provided always that notice under this section shall not warrant summary ejection from the subjects let to a tenant, but such notice, whether given to or by or on behalf of the tenant, shall entitle the proprietor to apply to the sheriff for a warrant for summary ejection in common form against the tenant and every one deriving right from him: Provided further that the notice provided for by this section shall be given at least forty days before the fifteenth day of May when the termination of the tenancy is the term of Whitsunday, and at least forty days before the eleventh day of November when the termination of the tenancy is the term of Martinmas.

SUMMARY REMOVINGS.

38. SUMMARY REMOVING.—Where houses or other heritable subjects are let for a shorter period than a year, any person by law authorised may present to the sheriff a summary application for removing, and a decree pronounced in such summary cause shall have the full force and effect of a decree of removing and warrant of ejection. Where such a let is for a period not exceeding four months, notice of removal therefrom shall, in the absence of express stipulation, be given as many days before the ish as shall be equivalent to at least one-third of the full period of the duration of the let; and where the let exceeds four months, notice of removal shall, in the absence of express stipulation, be given at least forty days before the expiry of the said period.

PROCEDURE RULES.

39. PROCEDURE RULES.—Subject to the provisions of any Act of Parliament in force after the passing of this Act, the procedure in all civil causes shall be conform to the rules of procedure set forth in the First Schedule hereto annexed. Such rules shall be construed and have effect as part of this Act.

40. COURT OF SESSION TO REGULATE FEES, ETC.—The Court of Session may from time to time, by Act of Sederunt, make such regulations not inconsistent with the provisions of this Act as may be necessary for carrying into effect the purposes thereof for regulating the practice of the sheriff courts (including diligence and procedure under the Small Debt Acts); and for regulating the fees of agents, officers, shorthand writers, and others, and, with the concurrence of the Treasury, for regulating the fees of court; and for altering, amending, or adding to the rules of procedure in the First Schedule hereto: Provided that at least two weeks before the same is signed the terms of the proposed Act of Sederunt shall be published in the Edinburgh Gazette and at least two other newspapers in Scotland: Provided also that every such Act of Sederunt shall, within one week from the date thereof, be transmitted by the Lord President of the Court of Session to the Secretary for Scotland, in order that it may be laid before

the Houses of Parliament; and, if either of the Houses of Parliament shall within thirty-six days after it has been laid before them resolve that the whole or any part of such Act of Sederunt ought not to continue in force, the whole or such part thereof as shall be included in such resolution shall from and after the date of the passing of such resolution cease to be binding.

41. Meetings of Sheriffs.—For the purpose of preserving uniformity in the proceedings of sheriff courts, the sheriffs shall meet in Edinburgh once at least in each year, and may then, or at any other meeting, formulate for the consideration of the Court of Session any regulations which they propose should be enacted by Act of Sederunt, a printed draft of the same having been exhibited in each sheriff court for the space of fourteen days before the same is submitted to the court: Provided also that the necessary expenses of such meetings of sheriffs and of preparing and printing such propositions shall be allowed in the annual accounts in Exchequer of such one of the sheriffs as may from time to time be appointed by them to be their convener in the like manner as other ordinary expenses of sheriffs are allowed. In this section "sheriff" does not include "sheriff-substitute."

Small Debt Acts.

42. Extension of Small Debt Jurisdiction to £20.—The provisions of the Small Debt Acts shall extend and apply to all causes competent thereunder where the value of the cause does not exceed twenty pounds, and wherever the words "eight pounds six shillings and eightpence" or the words "twelve pounds" occur in these Acts they shall be read and construed as if for these words there were substituted the words "twenty pounds."

43. Small Debt Sequestration for Rent.—The provisions of the Small Debt Acts for sequestration for rent shall extend to all sequestrations applied for currente termino or in security.

44. Parties may Appear by Agents in Small Debt Court.—Section eight of the Small Debt Amendment (Scotland) Act, 1889 (52 and 53 Vict. c. 26), is hereby repealed, and in lieu thereof it is enacted that in any cause brought under the Small Debt Acts any party may appear by or along with an agent, and the sheriff may allow and include in the expenses of the cause a fee to such agent.

45. Procedure Rules Applicable to Small Debt Causes.—The provisions of section three (except subsections (*d*), (*h*), (*i*), (*k*), (*l*), (*m*), and (*p*)), section four, subsection (2) of section five, so far as relating to claims for aliment, section six (except subsection (*e*)), section forty-nine and section fifty-one hereof, and the rules ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, nineteen, twenty-one, twenty-six, fifty, fifty-five, sixty, sixty-three, seventy, seventy-nine, eighty, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and fifty-one, in the First Schedule hereto shall, so far as appropriate, apply to causes under the Small Debt Acts.

46. Sections 10 and 11 of the Debtors (Scotland) Act, 1838, to Apply to Small Debt Causes.—The provisions of sections ten and eleven of the Debtors (Scotland) Act, 1838 (1 and 2 Vict. c. 114), shall not apply to decrees of delivery under the Small Debt Amendment (Scotland) Act, 1889, but such decrees shall be enforceable by imprisonment under the warrant for execution contained in Schedule B of the Small Debt Amendment (Scotland) Act, 1889.

47. Second Extract of Small Debt Decree Competent.—It shall be lawful to issue a second or further extract of any decree under the Small Debt Acts, in the form as nearly as may be of Schedule B or C of the Small Debt Amendment (Scotland) Act, 1889, which extract may be written upon a separate paper, and shall have the same force and effect in all respects as the first extract.

48. Small Debt Cause may be Remitted to Ordinary Court Roll.—If the sheriff is of opinion that the importance of the questions raised in any cause brought under the Small Debt Acts warrants that course, he may at any stage remit the cause to his ordinary court roll either on cause shown or ex proprio motu, in which case the cause shall proceed in all respects (including appeal) as if it had been originally raised in the ordinary court.

POSTAL CHARGE.

49. POSTAL CHARGE.—When a charge is necessary upon a decree for payment of money granted in the small debt court, and the place of execution of the charge is more than twelve miles distant from the seat of the court where such decree was granted, a charge may be given by post in the manner prescribed by the Citation Amendment (Scotland) Act, 1882 (45 and 46 Vict. c. 77).

SUMMARY APPLICATIONS.

50. SUMMARY APPLICATIONS.—In summary applications (where a hearing is necessary) the sheriff shall appoint the application to be heard at a diet to be fixed by him, and at that or any subsequent diet (without record of evidence unless the sheriff shall order a record) shall summarily dispose of the matter and give his judgment in writing: Provided that wherever in any Act of Parliament an application is directed to be heard, tried, and determined summarily or in the manner provided by section fifty-two of the Sheriff Courts (Scotland) Act, 1876 (39 and 40 Vict. c. 70), such direction shall be read and construed as if it referred to this section of this Act: Provided also that nothing contained in this Act shall affect any right of appeal provided by any Act of Parliament under which a summary application is brought.

THE POOR'S ROLL.

51. POOR'S ROLL.—Where parties are unable from poverty to pursue or defend an action, it shall be lawful for the sheriff to admit such parties to the benefit of the poor's roll if, upon the report of the procurators for the poor, he is satisfied that such person is entitled thereto.

REPEAL.

52. REPEAL OF STATUTES.—The enactments mentioned in the Second Schedule hereto annexed are hereby repealed to the extent mentioned in the third column of that Schedule, and all laws, statutes, Acts of Sederunt, orders and usages now in force so far as the same are inconsistent with the provisions of this Act, are also hereby repealed. But provided that all actions pending at the date of the commencement of this Act shall nevertheless proceed to final determination in all respects as if this Act had not been passed.

SCHEDULES.

FIRST SCHEDULE.

RULES FOR REGULATING PROCEDURE IN THE ORDINARY COURT (SS. 39, 40, AND 45).

FORMS OF PROCESS.

1. INITIAL WRIT.—Subject to the provisions of the Titles to Land Consolidation (Scotland) Act, 1868, and the Conveyancing and Land Transfer (Scotland) Act, 1874, as regards service of heirs and completion of title, all actions shall be commenced by writ as nearly as may be in the Form A hereto annexed.

2. COPY ACCOUNT TO BE SERVED.—Where the claim or demand is founded upon a stated account a copy of the account shall be endorsed upon or attached to the initial writ and served along with it.

3. WRIT TO BE SIGNED.—The writ shall be signed by the pursuer or complainer or by his agent, and the name and address of pursuer's agent (if any) shall be upon the back of every service copy.

4. FORM OF FIRST WARRANT.—The warrant of citation shall be as nearly as may be—

(*a*) In summary causes and summary removings, and also in summary applications when citation is necessary and in cases under the Workmen's Compensation Act, in the Form B hereto annexed:

(*b*) In all other causes, in the Form C hereto annexed.

Inducіæ.

5. Inducіæ of Citation.—Actions shall proceed upon seven days' warning or inducіæ when the defender is within Scotland, or fourteen days when he is in Orkney or Shetland or in any other island within Scotland or is furth of Scotland.

6. Special Inducіæ.—The sheriff may shorten or may extend the inducіæ, but not so as to be in any case less than forty-eight hours.

Citation.

7. Signature of Warrants.—Warrants may be signed by the sheriff-clerk, but any warrant may be signed by the sheriff or sheriff-substitute, and must be so signed if it contains an order for shortening or extending the inducіæ or for interim interdict, sequestration, or other order not being an order for citation or warrant to arrest. In actions against persons furth of Scotland the warrant may authorise service edictally.

8. Mode of Citation.—Citation may be in the Form D hereto annexed, and the form of execution of citation, which shall be appended to or endorsed upon the initial writ, may be in the Form E hereto annexed.

9. Attestation of Officer's Execution of Citation.—If a warrant is executed by an officer, one witness shall be sufficient for the execution of citation, and the execution shall be signed by the officer and the witness, and shall specify whether the citation was personal, or, if otherwise, the mode of citation.

10. Endorsation of Warrant by Sheriff-Clerk of Defender's Residence not Necessary.—Any warrant of citation or any warrant or precept of arrestment proceeding upon a depending action or liquid document of debt may in any competent manner be lawfully executed within the jurisdiction of any sheriff without indorsation by the sheriff-clerk of that jurisdiction, and, if executed by an officer, may be so executed by an officer of the court which granted the warrant or precept, or by an officer of the jurisdiction within which it is to be executed.

11. Citing of Corporation.—A corporation or association, or a firm nominate or descriptive, or a board corporate or unincorporate, may be sued and summary diligence upon a sheriff court decree or a decree of registration executed against them under their nominate or descriptive name alone, and may be competently cited at their principal place of business (which term shall include the office or place of business of the clerk or secretary of any board or corporation), or where the principal place of business is outwith the jurisdiction, at any place of business within the jurisdiction.

12. Service of New.—If it appear to the sheriff that there has been any irregularity in service upon a defender who has not appeared, the sheriff may authorise the pursuer or complainer to make service of new upon such conditions as to the sheriff shall seem just.

13. Defender Appearing Barred Objecting to Citation.—A party who appears may not state any objection to the regularity of the service upon himself, and his appearance shall be deemed to remedy any defect in the service, unless where jurisdiction has been constituted by citation or by arrestment ad fundandum jurisdictionem.

14. Citation of a Minor.—Service in ordinary form on a minor and on his father, as curator-at-law, or upon a minor and his tutors and curators if known to pursuer, or, if they are not known, upon the minor himself in ordinary form, and his tutors and curators edictally, shall be good and sufficient service on the minor for every purpose of law.

15. Edictal Citation.—It shall be competent to execute edictally any warrant of citation granted or charge on an extracted decree pronounced by a sheriff against any person furth of Scotland, by delivery of a copy thereof at the office of the keeper of edictal citations at Edinburgh according to the mode established in regard to the execution edictally of citations and charges on warrants of the Court of Session; or by sending to such keeper in a registered post-letter a certified copy of such warrant or charge, of which copy the keeper shall acknowledge receipt. Every citation or charge so executed edictally shall be recorded in the record of edictal citations in Edinburgh in a separate record of edictal citations or charges against persons furth of Scotland cited or charged upon warrants proceeding from any sheriff court. Where the party cited or charged has a known residence or place of business in England or Ireland a copy of the writ and citation or of the decree and charge on fourteen days' inducіæ shall be posted in a registered letter to the party at such address, and the execution shall express that this has been done. The sheriff-clerk shall in all warrants to cite persons furth of Scotland insert a warrant to cite edictally, and along with the execution of edictal citation pursuer's agent shall lodge a certificate of such postal intimation and the post office registered letter receipt.

Custody of Process.

16. Custody of Process.—Every initial writ shall after tabling remain in the custody of the sheriff-clerk, unless the sheriff shall grant a special order to the contrary. A process may

be borrowed only by an agent entitled to practise in the jurisdiction, or by his duly authorised clerk, for whom he shall be responsible.

17. Lost Documents may be Replaced by Copies.—When any number of process is lost or destroyed, a copy thereof, authenticated in such manner as the sheriff may require, may be substituted, and shall, for the purposes of the action, be equivalent to the original.

18. Interlocutor Sheets, etc., to be Lodged by Pursuer.—In a defended action the pursuer shall lodge with the sheriff-clerk principal and duplicate interlocutor sheets and a principal and borrowing inventory of process; and the sheriff-clerk shall endorse upon all pleadings the date when the same are lodged. The principal interlocutor sheets and the borrowing inventory shall remain in the custody of the sheriff-clerk.

Transfer of Causes.

19. Transfer of Cause to more Convenient Sheriffdom where Several Defenders in Different Sheriffdoms.—Where an action in which there are two or more defenders has been brought in the court of the domicile of one of them, the sheriff may transfer the cause to any other court which has jurisdiction over any of the defenders, if in his opinion it is expedient that this should be done, and an action so transferred shall proceed in all respects as if it had been originally brought in that court.

20. Sheriff on Cause shown may Remit to another Sheriffdom.—The sheriff may upon sufficient cause, by interlocutor stating his reasons, remit any cause to another sheriffdom, and such interlocutor, when issued by a sheriff-substitute, shall by leave of the sheriff-substitute, and within seven days only, be subject to review by the sheriff, but shall not be further subject to review.

21. Where Plea of No Jurisdiction Stated, Cause may be Remitted to proper Sheriffdom.—Where a plea of no jurisdiction is sustained, the sheriff may, if he think proper, and upon such conditions as to costs as he may think fit, remit the cause to the sheriff before whom it appears to him it ought to have been brought, and it shall thereafter proceed in all respects as if it had been originally there brought. When such remit is made by the sheriff-substitute, the interlocutor remitting shall by leave of the sheriff-substitute and within seven days only be subject to review by the sheriff but shall not be further subject to review.

Appearance.

22. Notice of Appearance.—If a defender intend to state a defence he shall (except in a summary cause), before the expiry of the induciæ, lodge with the sheriff-clerk a notice of appearance in the following terms:—

[Place and date]—C. D., [design him] defender, intends to defend the action against him [and others] at the instance of A. B. [design him].

C. D. *Defender*,
or X. Y. [add address],
Defender's Agent.

Undefended Causes.

23. In Undefended Cause Decree may be Granted at any Time after Expiry of Induciæ.—Where a defender does not answer or lodge a notice of appearance the sheriff may at any time, after the expiry of the induciæ, upon written craving to that effect being endorsed upon the initial writ by the pursuer or his agent, decern in terms of the claim or demand as set forth in the initial writ, and for expenses as the same may be certified by a note endorsed upon the initial writ by the auditor of court, subject to any restriction endorsed upon the writ or set forth in a minute by the pursuer or his agent.

24. Extract of Decree in Absence in Seven Days.—The sheriff-clerk may issue an extract of such decree after the expiry of seven days from the date of the sheriff's judgment.

25. Finality of Decree in Absence.—A decree pronounced in absence, and which has not been recalled or brought under review by suspension, where suspension is competent, or by reduction, shall become final, and be entitled to all the privileges of a decree in foro—

(*a*) In six months from its date, or from the date of charge under it, where the service of the writ or of the charge has been personal:

(*b*) In any event after the lapse of twenty years from its date.

26. Amendment of Writ in Undefended Action.—In an undefended action the sheriff may allow the pursuer or his agent to amend any error or defect in the initial writ, and may, if he see fit, order the amended writ to be served upon the defender, and may allow him to appear within such time as he may think proper. But the expense occasioned by such amendment shall not be chargeable against the defender, and such amendment shall not have the effect of validating diligence used on the dependence of the action so as to prejudice creditors of the defender, but such amendment shall be operative to the effect of obviating

objections to such diligence when stated by the defender himself, or by any persons representing him by a title, or in right of a debt contracted by him subsequent to the using of such diligence, and any diligence which was competent upon the original writ shall be competent upon the amended writ.

REPONING.

27. DEFENDER MAY BE REPONED AGAINST DECREE IN ABSENCE.—At any time before implement of a decree in absence, the defender may apply to be reponed by lodging with the sheriff-clerk and serving upon pursuer a note setting forth his proposed defence, and his explanation of his failure to appear.

28. UPON CONSIGNATION.—Along with this reponing note the defender shall consign the sum of two pounds in the hands of the sheriff-clerk.

29. SHERIFF MAY RECALL THE DECREE IN ABSENCE.—Upon such consignation the sheriff, if satisfied with the defender's explanation, may recall the decree so far as not implemented, whereupon the action shall proceed in all respects as if the defender had appeared.

30. OR REFUSE TO RECALL.—If the sheriff is not satisfied with the defender's explanations he may refuse the reponing note.

31. PURSUER ENTITLED TO CONSIGNED MONEY.—In either case the pursuer shall be entitled to uplift the consigned money.

32. REPONING NOTE TO OPERATE AS SIST OF DILIGENCE.—A reponing note, when duly lodged and intimated to the pursuer or to his agent, shall operate as a sist of diligence.

33. JUDGMENT UPON A REPONING NOTE FINAL.—Any interlocutor or order upon a reponing note, or recalling, or incidental to the recall of a decree in absence, shall be final and not subject to review.

DEFENDED CAUSES.

34. DEFENDED CAUSE TO BE TABLED.—Where appearance has been entered the sheriff-clerk shall enrol the cause for tabling on the first court day occurring after the expiry of the induciæ.

35. IF NOT TABLED TO DROP FROM ROLL.—An action which has not been tabled, and in which protestation has not been craved, shall drop from the roll, but within three months the sheriff may direct it to be again enrolled for tabling under such conditions as to notice, or re-service, or expenses, or otherwise as he shall think fit.

36. IF CASE NOT TABLED DEFENDER MAY CRAVE PROTESTATION.—If the pursuer do not then table the cause, the defender or his agent, upon producing the service copy of the writ, may crave protestation for not insisting, which the sheriff may grant, and may modify the amount of protestation money payable to defender.

37. EXTRACT OF PROTESTATION.—Protestation shall not be extracted till the expiry of seven free days from the date of its granting, except where arrestments have been used, in which case extract may be given out after the lapse of forty-eight hours.

38. EFFECT OF PROTESTATION.—Upon protestation being extracted, the instance shall fall.

39. RECALL OF PROTESTATION.—Before extract protestation may be recalled, and the pursuer may be allowed to proceed with his action upon making payment to the defender of the amount of the protestation money, and upon such other conditions as to the sheriff shall seem just.

40. SHERIFF MAY DIRECT ANY CAUSE TO BE TRIED AS A SUMMARY CAUSE.—When any defended action (other than a claim under the Workmen's Compensation Act) has been tabled, the sheriff of consent of parties, notwithstanding that its value exceeds fifty pounds, may, at any stage, direct that it be tried as a summary cause, and his decision as to this shall be final.

41. PROCEDURE IN A SUMMARY CAUSE.—In a summary cause the sheriff may order a condescendence and defences if he thinks fit, or may make or certify a note upon the writ or separately of the pleas of parties and appoint a diet for the trial of the cause, or may order such other procedure as the circumstances seem to him to require.

42. IN NON-SUMMARY CAUSE CONDESCENDENCE WITHIN THREE DAYS OF TABLING.—In all other defended causes the pursuer shall at the tabling of the cause, or within three days thereafter, lodge a condescendence setting forth succinctly and in articulate articles the grounds of action and his pleas in law.

43. DEFENCES WITHIN SIX DAYS.—Within six days of the condescendence being lodged the defender shall lodge his defences.

44. ENROLMENT FOR ADJUSTMENT.—The sheriff-clerk shall, upon defences being lodged, enrol the cause for an ordinary court day occurring not less than four days thereafter for adjustment. The adjustment shall not be adjourned more than once unless upon special cause shown.

45. CERTIFIED COPY WRIT WARRANT FOR ARRESTMENT.—In every defended action the pursuer shall, after defences have been lodged, and before the diet for adjustment, lodge in process a copy of the initial writ and warrant thereon certified by him or his agent, which may

thereafter be borrowed by the agent of any party to the process, and such certified copy shall be sufficient warrant where competent to arrest on the dependence. Separate precepts of arrestment may be issued by the sheriff-clerk upon production to him of a writ containing pecuniary conclusions upon which a warrant of citation has been granted, or of a liquid document of debt.

46. Form of Defences.—Defences shall be in the form of articulate answers to the condescendence, having appended a note of defender's pleas, and where necessary a statement of facts founded on in defence which shall be set forth succinctly.

47. Documents Founded on to be Produced before Record Closed.—Each party shall, along with his pleadings, or at latest before the closing of the record, if required by any other party in the action or by the sheriff, lodge any documents founded upon in the pleadings, so far as the same are within his custody or power.

48. Diligence for Recovery of such Documents.—Where such documents are not produced by either party, or where they are in the hands of third parties, the sheriff may, on the motion of either party, grant commission and diligence for their recovery, and may on that account delay closing the record.

49. Revisal may be Ordered.—The sheriff may upon cause shown, or ex proprio motu, order a revisal of the pleadings, or may order pursuer to answer defender's separate statement of facts.

50. Documents may be Challenged Ope Exceptione.—When a deed or writing is founded on by any party in a cause, all objections thereto may be stated and maintained by way of exception, without the necessity of bringing a reduction thereof.

51. Caution may be Ordered when Action of Reduction Competent.—The sheriff may, where an objection is so stated and where an action of reduction would be competent, order the objector to find caution, or to make consignation as he shall direct.

52. Closing Record.—When the pleadings have been adjusted the sheriff shall close the record.

53. Alterations to be Initialed by Sheriff.—All alterations or additions made on the record shall be authenticated by the sheriff's initials.

54. Preliminary Pleas to be First Disposed of.—If preliminary pleas have been stated the sheriff shall first dispose of them, unless he thinks that from their being connected with the merits, or on any other ground, they should be reserved till a future stage of the cause.

55. Counter-claim may be Stated in Defences.—Where a defender pleads a counter-claim it shall suffice that he state the same in his defences, and the sheriff may thereafter deal with it as if it had been stated in a substantive action, and may grant decree for it in whole or in part, or for the difference between it and the claim sued on.

56. Failure of either party to Appear or to Implement Orders of Court Entitles other party to Decree.—In a defended action (including a jury cause) when any production or pleading has not been lodged or order implemented within the time required by statute or ordered by the sheriff, or where in a defended action either party fails to appear by himself or his agent at any diet, or fails to make payment of any court dues or deposit, the sheriff may grant decree as craved, or of absolvitor, or may dismiss the action, with expenses, but the sheriff may upon cause shown prorogate the time for lodging any production or pleading or implementing any order. If all parties fail to appear, the sheriff shall, unless sufficient reason appear to the contrary, dismiss the action.

57. Agent Failing to Return Process may be Fined.—When an agent has borrowed a process, or any part thereof, and fails to return it for any diet at which it is required, the sheriff may impose upon such agent a fine not exceeding one pound, which shall be payable to the clerk of court for behoof of His Majesty's Exchequer, but an order so imposing a fine may on cause shown be recalled by the sheriff who granted it. Orders made under this section shall not be subject to review. For the purposes of this section every agent practising before his court shall be subject to the jurisdiction of the sheriff.

58. If Probation Renounced Parties to Sign Minute.—If at the time of closing the record the parties renounce probation, they shall sign a minute to that effect on the interlocutor sheet, and the sheriff may order the case to be debated then or at a subsequent diet.

59. Proof may be Ordered.—If proof is necessary, the sheriff shall (unless the cause has been ordered for jury trial), with the least possible delay, fix a date for taking the proof, and may limit the mode of proof.

60. Remit to Person of Skill.—The sheriff may remit to any person of skill, or other person, to report on any matter of fact; and, when such remit is made of consent of both parties, the report of such person shall be final and conclusive with respect to the matter of the remit. When such a remit is made, upon the motion of either party, the expense attending its execution shall in the first instance be paid by the party moving for it. When the remit is on joint motion, or by the sheriff ex proprio motu, the expense shall in the first instance be paid by the parties equally, unless the sheriff shall otherwise order.

61. Parties may by Minute Agree to Cause being tried as Small Debt Cause.—The parties to any action may lodge in process a minute, signed by themselves or their agents, agreeing to the cause being disposed of in the manner provided under the Small Debt Acts,

whereupon the sheriff shall remit the action to his small debt court roll, and the whole powers and provisions of the Small Debt Acts shall become applicable to the cause.

62. Diligence for Recovery of Documents.—At any time after a proof has been allowed, or an order made for jury trial, the sheriff, upon the motion of either party, may grant commission and diligence for the recovery of such documents as the sheriff shall deem relevant to the cause.

63. Evidence to lie in Retentis.—Evidence in danger of being lost may be taken to lie in retentis, and, if satisfied that it is desirable so to do, the sheriff may, upon the motion of either party at any time, either take himself, or grant authority to a commissioner to take, such evidence.

64. Reference to Oath.—When any person desires to refer to the oath of his adversary, he shall lodge a minute to that effect, signed by himself or his agent. If the party to whose oath reference has been made fail to appear at the diet for taking his deposition, the sheriff may hold him as confessed, and decern accordingly.

65. Recording of Evidence.—Evidence in a cause or a disposition, whether before the sheriff or a commissioner, may be taken down by the sheriff or commissioner, or by a clerk or shorthand writer nominated by the sheriff or commissioner, to whom the oath de fideli administratione shall be administered and evidence may be recorded in narrative form or by question and answer as the sheriff or commissioner shall direct, and the extended notes of evidence, certified by such clerk or shorthand writer, shall be the notes of the oral evidence in the cause. The sheriff or commissioner may, if he think fit, dictate to the clerk or shorthand writer what he is to record.

66. Sheriff may amend Record of Evidence.—If the correctness of the notes of evidence or of a deposition be questioned, the sheriff may satisfy himself in regard thereto by the examination of witnesses or otherwise, and may amend the record of evidence or a deposition.

67. Shorthand Writer's Fees.—When a shorthand writer is so employed to record evidence, he shall in the first instance be paid, as regards commissions by the party moving for the commission, and as regards proofs or jury trials by the parties equally. The agents of parties shall be personally liable for the shorthand writer's fees. And it shall be competent for the sheriff to make an order directing payment to be made.

68. Production of Documents may be Ordered.—The sheriff may order production of documents at any stage of the cause, and the sheriff may allow a party, at any time before judgment, to produce any document which he has failed to produce timeously, upon such conditions as to payment of expenses and allowing further proof as to the sheriff shall seem just.

69. Proof to be taken Continuously.—The proof shall be taken so far as possible continuously, but the sheriff may adjourn the diet from time to time.

70. Evidence may be Taken on Commission.—The evidence of any witness or haver resident beyond the jurisdiction of the court, or who although resident within the jurisdiction resides at some place remote from the seat of the court, or who is by reason of illness, age, or infirmity unable to attend the diet of proof, or a jury trial, may be taken by commission in like manner as evidence to lie in retentis.

71. Citation of Witnesses.—A copy of an interlocutor certified by the sheriff-clerk allowing a proof or fixing a diet for the trial of any action or for the examination of witnesses or havers, or fixing a date for a jury trial, shall be sufficient warrant for citation of witnesses or havers. If any witness or haver duly cited on an induciæ of at least forty-eight hours, and after having been tendered his travelling expenses, if the same shall have been demanded, fail to attend a diet, either before the sheriff or before his commissioner, such witness or haver may be ordained by the sheriff to forfeit and pay a penalty not exceeding forty shillings, unless a reasonable excuse be offered and sustained, and the sheriff may grant decree for said penalty in favour of the party on whose behalf said witness or haver was cited.

72. Form of Citation.—Witnesses and havers may be cited as nearly as may be in Form F hereto annexed, and the execution of citation shall be as nearly as may be in the Form G, and an agent who cites a witness shall be personally liable for the fees of the witness.

73. Second Diligence against Witness Failing to Attend.—It shall further be competent to the sheriff to grant second diligence (which shall be effectual in any sheriffdom within Scotland without endorsation) for compelling the attendance of said witness or haver under pain of arrest and imprisonment, until caution be found as the sheriff may require for his due attendances, the expense whereof may in like manner be decerned for against the witness or haver.

74. Objections Taken in Course of Proof to be Noted.—When the sheriff, or a commissioner, repels or sustains an objection taken in the course of a proof, the objection stated, and any answer made to it, shall, if desired by the objector, be shortly noted on the notes of evidence to the sheriff's or commissioner's dictation, but the examination of the witness shall nevertheless proceed. The sheriff or commissioner may, if he consider the objections of sufficient importance, direct the evidence objected to to be taken on a separate paper; but it shall not be competent during the course of a proof to submit to review any judgment pronounced upon the competency of the evidence.

75. Appeal on Questions of Admissibility of Evidence.—On the proof being declared closed, or within seven days thereafter, if the sheriff-substitute has not in the interval pronounced judgment, it shall be competent by leave of the sheriff-substitute to appeal to the sheriff upon objections to the admissibility of evidence taken during the course of the proof, and the sheriff shall, with or without a hearing, dispose of such appeal with the least possible delay, and, if he think that evidence accepted should not have been allowed, he may delete the same from the notes of evidence, and if he think that evidence has been improperly rejected, he may appoint the same to be taken before the case is advised on its merits.

76. Appeal on Ground of Confidentiality.—If any person, whether a party to the cause or other person, plead before the sheriff-substitute confidentiality with reference to documentary or oral evidence, or, on pleas of alleged hypothec or otherwise, shall object to produce documents, the sheriff-substitute shall, on the notes of evidence, minute his decision on such pleas, and any party in the cause or the party pleading confidentially by leave of the sheriff-substitute may, in open court, take an appeal to the sheriff, who shall, with or without a hearing and with the least possible delay, dispose of such appeal.

77. Proof to proceed notwithstanding such Appeal.—Such incidental appeal shall not remove the cause from the sheriff-substitute, who may proceed with the cause as regards points not necessarily dependent upon the ruling so appealed against.

78. Parties to be heard at Close of Proof.—At the close of the proof, or at an adjourned diet, if for any reason the sheriff shall see fit to postpone the hearing, the sheriff shall hear the parties or their agents, and thereafter shall pronounce judgment with the least possible delay.

Amendment of Pleadings.

79. Record may be Amended by Sheriff.—Upon the motion of either party the sheriff may, at any stage of the cause, and upon such conditions as to expenses reservice or otherwise as he shall deem proper, allow a record to be altered or amended to the effect of determining the real question in controversy (including amendment of the instance and the initial writ and the adding of parties) notwithstanding that the conclusions of the action may thereby be enlarged or altered.

80. Effect of Amendment.—No such amendment shall have the effect of validating diligence used prior thereto on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but such amendment shall be operative to the effect of obviating objections to such diligence when stated by the defender himself, or by any person representing him by a title, or in right of a debt contracted by him subsequent to the execution of such diligence.

Abandonment.

81. Abandonment of Action.—A pursuer may at any stage of an action before an interlocutor granting absolvitor or dismissing the action has been pronounced offer to abandon his action by lodging a minute to that effect, signed by himself or his agent, in which case, upon payment to defender of his expenses, the sheriff may dismiss the action, and pursuer may bring a new action if otherwise competent. If the pursuer fails, within fourteen days of the date of taxation, to pay the defender's expenses, the defender shall be entitled to decree of absolvitor, with expenses.

Judgment.

82. Sheriff to state Reasons for Judgment.—To all interlocutors, except those of a formal nature, the sheriff shall append a note setting forth the grounds upon which he has proceeded, and in his final judgment on the merits he shall set forth his findings in fact and in law separately.

83. Date of Judgment to be Date of Entry in Court Books.—The sheriff may pronounce or sign any judgment or interlocutor when furth of his sheriffdom, but the date of every interlocutor shall be deemed to be the date upon which it is entered in the books of the court.

84. Clerical Error in Judgment may be Corrected.—At any time before extract, or before the transmission of a process in which an appeal has been taken the sheriff may correct any clerical or incidental error in his judgment.

Extract.

85. Time of Extract.—Extract of any decree, interlocutor, or order of the sheriff (other than a decree in absence or a decree for expenses), if the same shall not have been sooner appealed against, may be issued in a summary cause after the lapse of seven days; and in any

other cause, after the lapse of fourteen days from its date, or at such earlier date as the sheriff shall allow extract.

Appeal.

86. Appeal from the Sheriff-Substitute.—A final judgment of the sheriff-substitute may if appeal be competent and unless otherwise provided be appealed to the sheriff or to the Court of Session at any time within three months of its date (but not later), if the same shall not sooner have been extracted or implemented. Any other appealable interlocutor of the sheriff-substitute may be appealed within fourteen days (but not later), if not sooner extracted.

87. Form of Appeal.—An appeal shall be taken by the appellant or his agent dating and signing a note on the interlocutor sheet in the following terms :—

The pursuer [or defender or other party] appeals [to the sheriff] or [to the Division of the Court of Session].

Or if the interlocutor sheet is not in the hands of the sheriff-clerk (which fact shall be certified by him), the note of appeal may be written upon a separate paper, and lodged along with the sheriff-clerk's said certificate.

88. On Appeal Process to go to Sheriff or Clerk of Session.—On an appeal being taken, the sheriff-clerk shall within two days transmit the process to the sheriff or to the principal clerk of session as the case may be, and also send written notice of the appeal to the other parties or their agents, but failure to give such notice shall not invalidate the appeal.

89. Reclaiming Note or Oral Hearing may be Ordered.—The sheriff may order a reclaiming note and answers, or may hear parties orally.

90. But may be Dispensed with.—The sheriff may, on the motion of both parties and if he see fit, dispose of the appeal without ordering either a reclaiming note and answers or an oral hearing.

91. Sheriff to Regulate Interim Possession, etc., Pending Appeal.—Notwithstanding an appeal, the sheriff shall have power to regulate all matters relating to interim possession, to make any order for the preservation of any property to which the action relates or for its sale if perishable, or for the preservation of evidence, or to make in his discretion any interim order which a due regard to the interests of the parties may require. Such orders shall not be subject to review except by the Appellate Court at the hearing of the appeal.

92. Appeal to Court of Session.—Within three months from its date (but not later), a final judgment of the sheriff, if not sooner extracted or implemented may, if appeal be competent, be appealed to the Court of Session. Any other appealable judgment of the sheriff may, if not sooner extracted or implemented, be appealed within fourteen days (but not later).

93. Form of Appeal.—The party desiring so to appeal, or his agent, shall do so by writing on the interlocutor sheet (or on a separate paper, in like manner as in the case of an appeal from the sheriff substitute) a note in the following terms :—

The pursuer [*or* defender *or* other party] appeals to the Division of the Court of Session.

94. Sheriff-Clerk to Transmit Process to Edinburgh.—On receiving such note of appeal the sheriff-clerk shall within two days transmit the process to the principal clerk of session at Edinburgh, and shall also send written notice of the appeal to the other parties or their agents, but failure to give such notice shall not invalidate the appeal.

95. Form of Appeal to Court of Session in Actions Advocated under this Act.—If any action is desired to be removed to the Court of Session in terms of sections five and thirty of this Act, the party so desiring its removal shall write a minute to that effect upon the interlocutor sheet, whereupon the sheriff-clerk shall give intimation to the other parties or their agents and shall transmit the process to the keeper of the roll of the Court of Session, who shall, under the direction of the Lord President, allocate the cause to a Division and a Lord Ordinary, and thereafter the cause shall proceed in all respects as if it had originally been raised in the Court of Session.

96. Abandonment of Appeal.—After an appeal has been noted, the appellant shall not be entitled to abandon it unless of consent of all parties, or by leave of the Appellate Court.

97. In sections 86, 87, 88, 89, 90, and 92 "sheriff" does not include sheriff-substitute.

Expenses.

98. Decree for Expenses to Include Dues of Extract.—Every decree for expenses shall be deemed to include a decree for the expense of extracting the same, and extract of such decree for expenses may be issued after the lapse of seven days unless otherwise directed by the sheriff.

99. Decree for Expenses may be Extracted in Agent's Name.—Expenses allowed in any action, whether in absence or in foro, shall, unless modified at a fixed amount, be taxed before decree is granted for them, and the sheriff may allow a decree for expenses to go out and be extracted in name of the agent who conducted the cause.

100. OBJECTION TO AUDITOR'S REPORT.—Within two days after the lodging of the auditor's report on taxation it shall be competent to lodge a note of objections to an auditor's report, and the sheriff shall dispose of such objections in a summary manner, with or without answers.

WAKENING.

101. WAKENING ACTION.—If no interlocutor shall have been pronounced in a cause for a year and a day it shall be held to have fallen asleep.

102. TO BE BY MINUTE.—Where the whole of the parties or their agents subscribe a minute on the interlocutor sheet consenting to the cause being wakened the sheriff may pronounce an interlocutor wakening the cause, and thereafter proceed with it.

103. PUBLICATION OF APPLICATION FOR WAKENING.—Where all parties do not so consent, the party desiring to have the cause wakened may lodge a minute to that effect, which the sheriff may order to be intimated to the other parties or their agents, and to be published in such manner as the sheriff shall direct, and the agent for the party applying for wakening shall lodge a certificate that the intimation and publication ordered have been made. If satisfied, the sheriff may thereafter pronounce an interlocutor wakening the cause, and proceed with it.

SEQUESTRATION FOR RENT.

104. IN SEQUESTRATION FOR RENT.—In actions for sequestration, and sale, for recovery, or in security of rent, whether brought after the term of payment or currente termino, payment of rent may be concluded for, and decree for payment of such rent or part thereof, when the same has become due and payable, may be pronounced and be extracted in common form.

105. WARRANT MAY BE GRANTED TO INVENTORY AND SECURE.—In the first deliverance upon a writ for sequestration for rent the sheriff may sequestrate the effects of a tenant, and grant warrant to inventory and secure the same and all warrants to sequestrate, inventory, sell, eject, or re-let shall be deemed to include authority, if need be, to open shut and lockfast places for the purpose of carrying such warrants into execution.

106. SEQUESTRATED EFFECTS MAY BE SOLD.—The sheriff may order the sequestrated effects to be sold at the sight of an officer of court or other person named.

107. SALE TO BE REPORTED WITHIN FOURTEEN DAYS.—When a sale follows, it shall be reported within fourteen days and pursuer shall lodge the roup rolls or certified copies thereof and a state of debt.

108. SHERIFF MAY DECREE FOR BALANCE DUE AFTER SALE.—In the interlocutor approving the report of sale, or by separate interlocutor, the sheriff may give decree against the defender for any balance remaining due.

109. SHERIFF MAY APPOINT CARETAKER OR ORDER CAUTION.—The sheriff may at any stage appoint a fit person to take charge of the sequestrated effects, or may require the tenant to find caution that they shall be made forthcoming.

REMOVINGS.

110. ACTION OF REMOVING WHERE FIXED TERM OF REMOVAL.—An action of removing may be raised at any time, provided the tenant has bound himself to remove by writing, dated and signed within twelve months of the term of removal, or, where there is more than one ish, of the ish first in date to remove. When the tenant has not so bound himself, an action of removing may be raised at any time provided that—

(*a*) In the case of a lease of lands exceeding two acres in extent for three years and upwards, an interval of not less than one year nor more than two years shall elapse between the date of notice of removal and the term of removal first in date;

(*b*) In the case of leases of lands exceeding two acres in extent, whether such leases be written or verbal held from year to year or under tacit relocation, or for any other period less than three years, an interval of not less than six months shall elapse between the date of notice of removal and the term of removal first in date; and

(*c*) In the case of houses let with or without land attached not exceeding two acres in extent, as also of land not exceeding two acres in extent without houses, as also of mills, fishings, shootings, and all other heritable subjects excepting land exceeding two acres in extent, and let for a year or more, forty days at least shall elapse between the date of notice of removal and the term of removal first in date.

Provided that nothing herein contained shall affect section 27 of the Agricultural Holdings Act, 1883: Provided also that in any defended action of removing, the sheriff may order the defender to find caution for violent profits: Provided also that in actions of declarator of irritancy and removing by a superior against a vassal, the pursuer shall call as parties the last entered vassal and such heritable creditors and holders of postponed ground burdens as are disclosed by a search for twenty years prior to the raising of the action, and the expense of the search shall form part of pursuer's expenses of process.

111. Form of Notice of Removal.—Notices under sections 34, 35, and 36 of this Act shall be as nearly as may be in the Form H annexed hereto, and a letter of removal may be in the terms of Form I.

112. Form of Notice under Section 37.—Notices under section 37 of this Act shall be as nearly as may be in the Form J hereto annexed, and such form may be used, mutatis mutandis, also for notices to the proprietor by or on behalf of the tenant.

113. Removal Notices.—Removal notices under sections 34, 35, 36, 37, and 38 of the Act may be given by a messenger-at-arms or sheriff officer, or by registered letter signed by the person entitled to give such notice, or by the law agent or factor of such person, posted at any post office within the United Kingdom in time to admit of its being delivered at the address thereon on or prior to the last date upon which by law such notice must be given, addressed to the person entitled to receive such notice, and bearing the particular address of such person at the time if the same be known, or, if the same be not known, then to the last known address of such person.

114. Evidence of Notice to Remove.—A certificate of notice under rule 111, dated and endorsed upon the lease or extract, or upon the letter of removal, and signed by the sheriff officer, messenger-at-arms, or by the person giving the notice, or his law agent, or factor, or an acknowledgment of notice endorsed on the lease or extract or letter of removal by the party in possession or his agent, shall be sufficient evidence that notice has been given. Where there is no lease, a certificate endorsed upon a copy of the notice or letter, certified to be correct, by the person, sheriff officer, messenger-at-arms, law agent, or factor sending the same, which certificate shall be signed by such party sending the notice or letter, shall also be sufficient evidence that notice has been given. A certificate of notice under rule 112, dated and endorsed upon a copy of the notice or letter signed by the party sending the notice, shall be sufficient evidence that such notice has been given.

Summary Removings.

115. Form of Action for Summary Removing.—The action for summary removing as authorised by section 38 of this Act may be at the instance of a proprietor or his factor, or any other person by law authorised to pursue a process of removing, and be in the Form K hereto annexed.

116. Form of Warrant.—The warrant to be granted thereon may be in the Form B hereto annexed upon two days' inducie and may be signed by the sheriff-clerk.

117. Decree in Absence may be Recalled within Three Days.—If the defender fail to appear, the sheriff may dispose of the cause in his absence, but, if within three days the defender shall satisfy the sheriff that there was reasonable excuse for his non-appearance, the sheriff may re-hear the cause, and, if decree has been granted and not implemented, may recall the decree upon such conditions as to expenses and otherwise as the sheriff shall deem reasonable. Where decree is pronounced in absence, the sheriff may give such directions as he may deem proper for the preservation of the defender's goods and effects.

118. Service Copy Warrant Sufficient to Cite Witnesses.—The warrant upon the petition or complaint of the defender's service copy thereof shall be sufficient warrant for the citation of witnesses.

119. Small Debts Procedure Applies to Summary Removing.—Such causes shall be conducted and disposed of in the summary manner in which proceedings are conducted under the Small Debt Acts and shall not be subject to review.

120. Form of Decree.—When decree and warrant of ejection is granted it shall be in the Form L hereto annexed.

121. Sheriff may Order Caution.—The sheriff may order written answers or adjourn the hearing of such causes, but where defences cannot be instantly verified, the sheriff shall ordain the defender to find caution for violent profits, unless the sheriff shall dispense with caution, which he may do if he see fit.

122. When Caution Found Procedure as Ordinary Action.—Where a defender has given in answers, and caution for violent profits has been found or has been dispensed with, such causes shall, as nearly as may be thereafter, be conducted according to the procedure in ordinary actions of removing, and shall be subject to review in common form.

Summary Suspension.

123. Summary Application for Suspension of Charge may be Brought in Court of Defender's Domicile.—Where a charge has been given on a decree of court granted by the sheriff or a decree of registration proceeding upon a bond, bill, contract, or other form of obligation registered in any sheriff court books, or in the books of council and session, or any others competent, or on letters of horning following on such decree, for payment of any sum of money not exceeding fifty pounds, exclusive of interest and expenses, the person so charged may apply in the sheriff court of his domicile for suspension on caution of such charge and diligence.

124. DILIGENCE MAY BE SISTED ON CAUTION.—On sufficient caution being found in the hands of the sheriff-clerk for the sum charged for interest and expenses, and a sum to be fixed by the sheriff in respect of expenses to be incurred in the suspension process, the sheriff may sist diligence, order intimation and answers, and proceed to dispose of the cause in a summary manner.

125. JUDGMENT OF SHERIFF FINAL ON COMPETENCY.—If objections be taken to the competency or regularity of suspension proceedings, the judgment of the sheriff-substitute, on such objections, may be appealed to the sheriff, but his judgment thereon shall be final.

ARRESTMENT.

126. WHEN ARRESTMENT SCHEDULE NOT SERVED PERSONALLY COPY TO BE SENT BY POST.—If a schedule of arrestment has not been personally served upon an arrestee, it shall be necessary, to make the arrestment effectual, that a copy of the schedule be also sent by postal registered letter to the last known place of abode of the arrestee, or if such place of abode is unknown, or if the arrestee is a firm or corporation, to the arrestee's principal place of business if known, or, if not known, to any known place of business of the arrestee, and the officer shall in his execution certify that this has been done, and specify the said address.

127. ARRESTMENT TO BE REPORTED.—An arrestment used on the dependence shall fall, unless the action shall have been served within seven days of the date of execution of arrestment, and tabled within fourteen days after service, and, when an arrestment has been executed, the party using it or his agent shall forthwith report the execution to the sheriff-clerk.

FURTHCOMING AND MULTIPLEPOINDING.

128. FORUM OF ACTION OF MULTIPLEPOINDING.—An action of furthcoming or multiplepoinding may be raised in the sheriffdom where the fund or subject in medio is situated, or in that to whose jurisdiction the arrestee or the holder of the fund is subject although the common debtor may not reside within either sheriffdom.

129. REAL RAISER TO BE SET FORTH.—The party raising an action of multiplepoinding shall set forth in the initial writ who is the real raiser. The sheriff may, in an action of multiplepoinding, allow the real raiser his expenses preferably out of the fund in medio; and, in an action of furthcoming, the expenses of bringing the action shall be deemed to be part of the arrestor's claim, which may be made good out of the arrested fund or subject.

130. CLAIMS TO BE ORDERED.—Where, in an action of multiplepoinding, no defences are stated, and where defences are stated and repelled, the sheriff shall order claims and, if necessary, answers within a short space.

131. SEVERAL CLAIMANTS MAY STATE ONE PAPER.—Several claimants may state the facts on which they base their claims on the same paper, but, where necessary, they shall append separate claims and separate pleas in law.

132. WHEN COMPETING CLAIMS PROCEDURE AS IN ORDINARY ACTION.—Where there are defences in an action of furthcoming or competing claims in a multiplepoinding process the procedure shall be as near as may be that in ordinary actions where defences have been lodged.

JURY TRIAL.

133. JURY.—The jury shall consist of two special and five common jurors, who shall be chosen from a panel of five special and ten common jurors to be cited for the diet.

134. CITATION OF JURY.—The jury shall be cited by the sheriff-clerk from the sheriff court jury book in the manner prescribed by law or in use to be followed for the citation of jurors in Scotland; and all statutory or other regulations and customs relative to the citation, non-attendance, selection and swearing of jurors shall (subject to rule 135) apply to jury trial in the sheriff court.

135. CHALLENGE OF JURORS.—Each party in the cause shall have right to challenge one special and one common juror, but not more; and in this matter, where there are more pursuers or defenders than one, they shall act collectively and not individually.

136. JURY TO HAVE COPY ISSUE.—Each juror empanelled shall, at the commencement of the trial, be supplied by the pursuer with a copy of the questions of fact proponed as set forth in the sheriff's interlocutor.

137. PRACTICE IN PROOFS TO APPLY.—The law and practice relating to the taking of evidence in proofs before the sheriffs shall apply to jury trials. Unless all the parties appearing put in a minute (which may be signed by their agents) dispensing with a record of the proceedings, the same shall be taken by an official shorthand writer of the court, but the notes need not be extended unless, in the case of an appeal, their production shall be ordered by the appellate court, in which event it shall be the duty of the appellant to procure the extended notes, certified by the shorthand writer, and to lodge the same with the principal clerk of session.

138. Evidence on Commission.—When evidence has been taken to lie in retentis, if the sheriff is satisfied that the deponing witness is dead, or that he cannot attend at the trial owing to absence or infirmity or other sufficient cause, it shall be competent for the sheriff, on the motion of any party in the cause (irrespective of which party moved for the commission to take such evidence) to direct that the report of the commission be read to the jury, and when so read such report shall form part of the evidence in the cause; but depositions shall not be read or referred to if the deponing witness attends at the trial.

139. Exceptions.—Exceptions taken in the course of the trial to rulings of the sheriff in regard to admission or rejection of evidence, or in regard to points of law laid down in the course of the trial or in the sheriff's charge to the jury, shall, if required by the party taking the exception, be recorded to the sheriff's dictation upon the official shorthand notes before the jury proceed to consider their verdict.

140. Addressing Jury.—No person shall be entitled to address the jury until the leading of evidence has been concluded; but thereafter the parties, personally or by counsel or law agent, may address the jury. One speech only on behalf of each interest represented shall be made.

141. Charge to Jury.—If the sheriff deem it necessary to charge the jury, he shall do so immediately after, or as soon as practicable after, the conclusion of the speeches, or, if none be made, after the conclusion of the evidence.

142. Productions.—Documents or productions intended to be put in evidence or referred to at the trial shall be lodged with the clerk of court four days before the date fixed for the trial, but the sheriff may allow productions to be exhibited and produced at the trial if he is satisfied that they could not reasonably have been lodged earlier and that reasonable notice had been given to the other parties of intention to produce at the trial.

143. Verdict by Majority.—The jury may return a verdict by a majority of its number at any time not less than one hour after the jury has been enclosed.

144. Form of Verdict.—The verdict of the jury shall be returned in the form of specific answers to the questions proponed by the sheriff, with the addition of a statement of the amount at which they assess the damages in the event of damages being awarded.

145. Verdict to be Recorded.—The verdict returned by the jury shall be recorded upon the interlocutor sheets, and signed by the clerk of the court, and this having been done, the jury shall be discharged.

146. And Followed by Interlocutor.—Any party in the cause may, so soon as the verdict has been so recorded or within fourteen days thereafter, move the sheriff to apply the verdict, and upon this motion the sheriff may hear parties and may make avizandum. As soon as practicable the sheriff shall issue an interlocutor applying the verdict and grant decree accordingly. In this interlocutor the sheriff shall also dispose of the question of expenses.

147. Interlocutor Final if no Shorthand Notes.—Where no shorthand notes of the proceedings have been taken, the interlocutor applying the verdict shall not be subject to review.

148. Grounds of Appeal to Court of Session.—If shorthand notes have been taken, it shall be competent for any party in the cause within fourteen days after the date of the final interlocutor of the sheriff applying the verdict (but not later) to appeal to a Division of the Court of Session by lodging with the sheriff-clerk a note of appeal in the Form M annexed hereto.

149. Transmission of Process.—The sheriff-clerk shall, within three days of his receiving the note of appeal, notify the other parties in the cause, and transmit the process to the principal clerk of session at Edinburgh.

150. New Trial.—If the court shall order a new trial, the principal clerk of session shall re-transmit the process to the sheriff-clerk, and the sheriff shall as soon as practicable fix a date of new trial, which shall proceed as herein directed as regards the original trial.

Charge.

151. Charge Against a Corporation.—A company, corporation, association or firm, or a board corporate or incorporate, may be competently charged under their nominate or descriptive name at their principal place of business (which term shall include the office or place of business of the clerk or secretary of any board or corporation), or where their principal place of business is furth of Scotland, at any place of business in Scotland.

The Poor's Roll.

152. Agents to Meet to Nominate Agents for Poor.—The sheriff shall annually make an order appointing the agents enrolled in his court (or, where the sheriffdom is divided into districts having separate local courts, the agents enrolled in the district courts) to meet to nominate a specified number of agents for the poor.

153. Notice of Meeting on Court-house Walls.—Notice of such order shall be given

by a copy thereof being affixed on the walls of the court-houses and sheriff-clerk's offices in the sheriffdom.

154. NOMINATION TO BE REPORTED TO SHERIFF.—At said meeting the agents present shall, by a majority of votes, nominate the required number of agents, and cause the nominations to be reported to the sheriff.

155. SHERIFF MAY CONFIRM OR REFUSE.—The sheriff shall have power to confirm the nominations, in whole or in part, or to decline to do so.

156. NOTICE TO AGENTS.—Six days before the list is submitted to the sheriff, the sheriff-clerk shall notify each agent who has been nominated, and such agent may, before the nominations are confirmed, represent to the sheriff any reason why his nomination should not be confirmed.

157. IF AGENTS FAIL TO DO SO SHERIFFS MAY NOMINATE.—In the event of the agents failing to nominate as above provided for, or the sheriff not confirming the nomination, the sheriff may himself make the requisite nomination, or may appoint another meeting to be held.

158. AGENTS TO ACT FOR ONE YEAR.—The agents nominated shall act as agents for the poor in the sheriffdom, or the district in which they are appointed, for one year, but they shall be eligible for re-nomination.

159. AGENTS TO ACT AS DIRECTED BY SHERIFF.—The agents so nominated shall as they themselves arrange, or as the sheriff shall direct, act as procurators for the poor in all causes, civil and criminal, including attendance at the circuit court.

160. AGENTS TO ASSIST EACH OTHER.—The agents for the poor, in their respective districts, shall assist each other by taking precognitions, or proofs on commission, or otherwise as may be requisite and reasonable.

161. In sections 152 to 157 "sheriff" does not include sheriff-substitute.

162. APPLICANT TO PRODUCE CERTIFICATE OF POVERTY.—Along with his application for the benefit of the poor's roll, the applicant shall produce a certificate signed by the inspector or an assistant inspector of poor of the parish or district where the applicant resides, bearing that the applicant is unable, through poverty, to pay for the conduct of legal proceedings.

163. APPLICATION TO BE REMITTED TO PROCURATORS FOR POOR.—The sheriff shall remit the application to the procurators for the poor, who shall notify the parties, and after inquiry shall make a report to the sheriff.

164. IF THEY REPORT APPLICANT ENTITLED, SHERIFF TO APPOINT AN AGENT TO CONDUCT CAUSE.—If they report that the applicant has a probable cause of action and is entitled to the benefit of the poor's roll, the sheriff shall appoint one of the agents to take charge of the applicant's case.

165. AGENT TO CONCLUDE CAUSE.—Such agent shall conduct the cause to its final issue, notwithstanding that during its progress he may have ceased to be an agent for the poor.

166. AGENT TO HAVE NO CLAIM FOR FEES UNLESS RECOVERED FROM OTHER PARTY.—Unless expenses shall be awarded against and recovered from the opposite party, the agent shall have no claim for fees; but the litigant shall be liable to him for actual outlays incurred with the litigant's sanction.

167. AGENT NOT LIABLE FOR FEES.—The agent shall not be liable for witnesses' fees, shorthand writers' fees, or court dues unless they are recovered by the agent personally.

168. AGENT NOT LIABLE FOR COURT DUES.—Neither the agent nor the litigant shall be liable for dues of court or officers' fees, unless these are awarded against and recovered from the opposite party, in which case the litigant (or the agent, if he personally recovers the same) shall be liable.

169. SHERIFF MAY REMOVE LITIGANT FROM POOR'S ROLL.—It shall be in the power of the sheriff at any time to deprive any litigant of the benefit of the poor's roll.

FORM A.

SHERIFFDOM OF AT

A. B. [*design him; if he sues in any special character set that forth; as also where necessary relationship to defender*, e.g., *wife of defender or a creditor of defender, etc.*],
Pursuer.

Against

C. D. [*design him; if sued in any special character set that forth*, e.g., *as trustee, or as vitious intromitter, etc.*],
Defender.

The claim or demand or complaint of the pursuer is [*here state shortly the general nature of the claim or demand or ground of appeal or cause of action, as for example:—*

(*a*) For payment of £ for goods sold and delivered (or otherwise) conform to account hereto annexed.

(*b*) For delivery of.

(*c*) For an accounting with defender as [*state character in which defender is liable to account*].
(*d*) For exoneration as holder of [*state fund or subject* in medio].
(*e*) For declarator that.
(*f*) For warrant to.
(*g*) For sequestration (*for rent or in bankruptcy*).
(*h*) For recall of arrestments (*used by defender in the hands of, etc.*).
(*i*) For letters of arrestment ad fundandum jurisdictionem.
(*j*) For confirmation of byelaws.
(*k*) For appointment of judicial factor.
(*l*) That defender be ordained to (*execute work, sign deeds, remove or as the case may be*).
(*m*) That pursuer is aggrieved by (*state shortly nature of byelaw, order, etc., appealed against*).
(*n*) (*Otherwise as the case may be.*)

Therefore the pursuer craves the Court [*here set forth the specific decree, warrant, or order asked, giving all the particulars to be embodied (if necessary) in an extract*].

(*To be signed*) *A. B.*, Pursuer ;
or
X. Y. [*add designation and business address*].
Pursuer's Agent.

FORM B.

[*Place and date.*] Grants warrant to cite the defender [*or respondent*] by serving a copy of the writ and warrant upon an induciæ of , and appoints him to answer within the sheriff court-house at [*in Room No.* , *or in Chambers, or as the case may be*], on the day of at o'clock noon, under certification of being held as confessed. [When necessary add (meantime sequestrates and grants warrant to inventory and secure) ; or (grants warrant to arrest on the dependence) or (otherwise as the case may be).]

FORM C.

[*Place and date.*] Grants warrant to cite the defender by serving a copy of the writ and warrant upon an induciæ of days, and appoints him, if he intend to defend, to lodge a notice of appearance with the sheriff-clerk at within the induciæ, under certification of being held as confessed. [*Meantime grants interim interdict, or warrant to arrest on the dependence, or sequestrates and grants warrant to inventory ; or otherwise, as the case may be.*]

FORM D.

[*Place and date, and, if necessary, hour.*] *C. D.*, defender. You are hereby served with the foregoing [*or within-written*] writ and warrant, and required to answer thereto, conform to the said warrant. [*If posted and if necessary add* (*the induciæ is reckoned from twenty-four hours after date of posting*).]

(*To be signed*) *P. Q.*, Sheriff Officer,
or
X. P. [*add designation and business address*].
Pursuer's Agent.

FORM E.

[*Place and date*] I, , do hereby certify that upon the day of [*if necessary add between the hours of and*] I duly cited *C. D.*, the defender [*or respondent*], to answer to the foregoing [*or within-written*] writ. This I did by [*set forth mode of service ; if by officer and not by post add in presence of L. M.* (*design him*), witness hereto with me subscribing].

(*To be signed*) *P. Q.*, Sheriff Officer ;
L. M., Witness ;
or
X. Y. [*add designation and business address*],
Pursuer's Agent.

FORM F.

K. L. [*design him*], you are hereby required to attend at the Sheriff Court House at [*street address*] [*if necessary, add within Court Room, No.* , *or in Chambers*], on , the day of , at o'clock noon, to give evidence for pursuer [*or appellant or complainer*] [*or defender or respondent*] in the action *A. B.* [*design him*], pursuer, against *C. D.* [*design him*], and [*if necessary*] you are required to bring with you [*specify documents*] under penalty of forty shillings if you fail to attend.

Dated this day of [*if necessary add between the hours of and noon.*]

[*Signed*] *P. Q.*, sheriff officer;

or

X. Y. [*add designation and business address*].

Pursuer's [*or defender's or appellant's or respondent's*] Agent.

FORM G.

[*Place and date.*] I, do hereby certify that upon the day of [*if necessary, add between the hours of and noon*], I duly cited *K. L.* [*design him*], to attend at o'clock noon, within to give evidence for the in the action *A. B.* [*design him*], against *C.D.* [*design him*], and I also required him to bring with him [*specify documents*]. This I did by [*set forth mode of citation*].

[*Signed*] *P. Q.*, sheriff officer;

or

X. Y. [*add designation and business address*].

Pursuer's [*or defender's or appellant's or respondent's*] Agent.

FORM H.

To [*name, designation, and address of party in possession*].

You are required to remove from [*describe subjects*] at the term of [*or if different terms, state them and the subjects to which they apply*], in terms of lease [*describe it*] or [*in terms of your letter of removal of date*] or [*otherwise as case may be*].

FORM I.

To [*name and designation of addressee*].

[*Place and date.*] I am to remove from [*state subjects by usual name or short description sufficient for identification*] at the term of

K. L. [*add designation and address*].

If not holograph to be attested thus—

M. N. [*add designation and address*], witness.

FORM J.

[*Place and date.*]

You are required to remove from [ ] that portion of ground [*describe it*]; *or* the mill of [*describe it*]; *or* the shootings of the land and estate of [*describe them*]; *or* [*other subjects to which this notice is applicable*], at the term of Whitsunday [*insert year*] [*or Martinmas, as the case may be, inserting after the year the words, being the* 15*th day of May*, or *the* 11*th day of November*, or *the* 28*th day of May*, or *the* 28*th day of November, as the case may be*].

To *K. L.* [*designation and address*].

FORM K.

In the sheriff court of

at

A. B. [*design him*], pursuer, complains that he [*or his author, as the case may be*], let to *C. D.* [*design him*], defender [*or his author, as the case may be*], a dwelling-house, garden, and pertinents

[*or other subjects, as the case may be*], situated at , for the period from to , and that the defender refuses or delays to remove therefrom, although his term of occupancy has expired, and it is necessary to obtain warrant for his ejection ; therefore decree ought to be granted for removing and ejecting the defender, his family, sub-tenants, cottars, and dependants, with their goods and gear, furth and from the said subjects [*here insert date at which removal or ejection is sought*], that the pursuer or others in his right may then enter to and possess the same. [*If expenses are sought add*, "*and the defender ought to be found liable in the expenses of process and dues of extract.*"]

[*Signature of pursuer or his agent.*]

FORM L.

At the day of the sheriff [*in absence of defender, or having heard parties, as the case may be*] grants warrant for ejecting the said *C. D.*, defender, and others mentioned in the complaint from the subjects therein specified, such ejection not being sooner than [*here insert time appointed for ejection, and whether after a charge on such inducice as may be deemed proper or instantly*] : Finds the defender liable in of expenses [*or otherwise, as the case may be*] and decerns.

[*Signature of Sheriff.*]

FORM M.

At the jury trial in the action at the instance of *A. B.* [*design him*], pursuer, against *C. D.* [*design him*], defender, held at on the day of before sheriff [substitute], of

The questions of fact proposed to the jury, and their answers thereto, were as follows :—

Question 1. [*State it per sheriff's interlocutor.*]

Answer 1. [*State it per the recorded verdict of the jury.*]

. . . . . .

The jury awarded damages to , and assessed the same at £ .

The sheriff on pronounced the interlocutor, a copy of which is appended hereto.

The [*state party appealing*] appeals to the Division of the Court of Session upon the ground [*here state the grounds conform to section* 31 *of the Act*].

(*a*) That in the interlocutor complained of the verdict was erroneously applied.

(*b*) That the verdict of the jury was contrary to evidence in respect [*here set forth clearly and succinctly the particulars in which it is alleged the evidence led and the verdict returned are inconsistent*].

(*c*) That evidence was unduly admitted [*or rejected*] in regard to [*here set forth shortly the fact in regard to which the evidence was admitted or rejected*].

(*d*) That the sheriff misdirected the jury in regard to [*here state shortly the point of law alleged to be misdirection*].

(*e*) That the damages awarded by the jury were excessive.

M. P. pursuer [*or other party*],
or
X. Y. [*signature and business address*],
Agent for the .

Appendix. [*Here copy interlocutor appealed against.*]

SECOND SCHEDULE (s. 52).

Session and Chapter.	Short Title.	Extent of Repeal.
20 Geo. 2 c. 43.	The Heritable Jurisdictions (Scotland) Act, 1746.	Section 29.
21 Geo. 2 c. 19.	The Sheriffs (Scotland) Act, 1747.	Sections 10 and 11.

Session and Chapter.	Short Title.	Extent of Repeal.
28 Geo. 2 c. 7.	The Sheriffs (Scotland) Act, 1755.	The whole Act.
50 Geo. 3 c. 112.	The Court of Session Act, 1810.	Sections 36, 37, 38, and 40, so far as these sections relate to Sheriff Court.
6 Geo. 4 c. 23.	The Sheriff Courts (Scotland) Act, 1825.	Sections 1, 3, 4, 5, and 8, so far as these sections relate to civil causes in the Sheriff Court, and section 10.
6 Geo. 4 c. 120.	The Court of Session Act, 1825.	Section 40, so far as relating to appeal for jury trial from Sheriff Court to Court of Session.
9 Geo. 4 c. 29.	The Circuit Courts (Scotland) Act, 1828.	Section 22.
11 Geo. 4 and 1 W. 4 c. 69.	The Court of Session Act, 1830.	Sections 22, 23, 24, and 32, as also in section 33 the words "and all actions of separation a mensa et thoro."
2 and 3 W. 4 c. 65.	The Representation of the People (Scotland) Act, 1832.	Section 36, so far as relating to sheriff and sheriff-substitute.
1 and 2 Vict. c. 114.	The Debtors (Scotland) Act, 1838.	Section 19.
1 and 2 Vict. c. 119.	The Sheriff Courts (Scotland) Act, 1838.	The whole Act, except sections 25, 27, and 28, and section 31, so far as that section relates to courts other than Sheriff Courts.
16 and 17 Vict. c. 80	The Sheriff Courts (Scotland) Act, 1853.	The whole Act, except section 34.
27 and 28 Vict. c. 106.	The Sheriffs-Substitute Act, 1864.	The whole Act.
30 and 31 Vict. c. 96.	The Debts Recovery (Scotland) Act, 1867.	The whole Act.
31 and 32 Vict. c. 100.	The Court of Session Act, 1868.	Sections 65, 66, 67, 68, 69, 70, 73, and 79, so far as those sections relate to appeals from Sheriff Court.
33 and 34 Vict. c. 86.	The Sheriff Courts (Scotland) Act, 1870.	Sections 13 and 14.
38 and 39 Vict. c. 81.	The Sheriffs-Substitute (Scotland) Act, 1875.	Sections 1 and 2.
39 and 40 Vict. c. 70.	The Sheriff Courts (Scotland) Act, 1876.	Sections 4 to 25, both inclusive. Sections 27 to 34, both inclusive. Sections 46 to 52, both inclusive. Section 54, except in so far as it relates to commissary regulations. All the schedules.
40 and 41 Vict. c. 50.	The Sheriff Courts (Scotland) Act, 1877.	The whole Act.
52 and 53 Vict. c. 26.	The Small Debt Amendment (Scotland) Act, 1889.	Section 8.
61 and 62 Vict. c. 8.	The Sheriffs Tenure of Office (Scotland) Act, 1898.	The whole Act.

CHAPTER LII.

An Act to amend section seventy-eight of the Merchant Shipping Act, 1894, *with respect to the deduction of the space occupied by propelling power in ascertaining the tonnage of a ship.* [28*th August* 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. RESTRICTION ON DEDUCTION FOR SPACE OCCUPIED BY PROPELLING POWER.—The deduction under section seventy-eight of the Merchant Shipping Act, 1894 (57 and 58 Vict. c. 60) (in this Act referred to as "the principal Act"), for the space occupied by the propelling power of a ship shall not in any case exceed fifty-five per cent. of that portion of the tonnage of the ship which remains after deducting from the gross tonnage any deductions allowed under section seventy-nine of the principal Act: Provided that—

(*a*) This section shall not apply to steam ships constructed for the purpose of towing vessels so long as they are exclusively employed as tugs, but if and when employed for the carriage of passengers, cargoes, or stores, or using graving docks or dry docks or places provided for the repairing of vessels the register tonnage on which dues based on register tonnage may be levied by any harbour or dock authority shall be ascertained in manner provided by the Merchant Shipping Acts, 1894 to 1906, as amended by this Act; and

(*b*) This section shall not come into operation until the first day of January nineteen hundred and fourteen in the case of the following ships (in this Act referred to as existing ships), namely, ships constructed, or the construction of which has been commenced, before the first day of May nineteen hundred and seven, and ships a contract for the construction of which has been made before the first day of May nineteen hundred and seven, though the construction has not actually commenced before that date.

2. SAVING FOR AUTHORITIES HAVING POWER TO CHARGE OTHERWISE THAN ON REGISTER TONNAGE.—Nothing in this Act shall affect any power which any dock or harbour authority have under any Act or Order confirmed by Parliament or having the effect of an Act of Parliament to charge tonnage rates, dues, or charges otherwise than on registered or register tonnage.

3. PROVISIONS AS TO SHIPS ALREADY REGISTERED.—(1) Where, in ascertaining the tonnage of an existing ship, a deduction has been made for the space occupied by the propelling power of the ship greater than the maximum deduction allowed under this Act, the tonnage of the ship shall, before the date on which this Act comes into operation as respects that ship, be recalculated on the basis of allowing the maximum deduction under this Act instead of that previously allowed, and the necessary alteration of the particulars and certificate of the registry of the ship shall be made and shall take effect on that date.

(2) The registrar of every port of registry shall make any alteration in the particulars of the registry of any ship registered at that port, which is required for the purposes of this section, and shall send notice of the alteration so made to the managing owner of the ship.

(3) The managing owner of the ship, on the receipt of any such notice of alteration, shall forthwith transmit the notice to the master of the ship, and the master of the ship on receipt of the notice shall produce it to the registrar of the port at which the ship is when the notice is received, if that port is a port having a registrar, and if not to the registrar of the first port having a registrar at which the ship arrives after the notice is received, and the registrar shall alter the certificate of registry of the ship in accordance with the notice.

(4) If the managing owner or master of a ship fails to comply with the provisions of this section, the managing owner or master, as the case may be, shall be liable on summary conviction, in respect of each offence, to a fine not exceeding fifty pounds.

(5) The expression "managing owner" in this section includes any person

registered under section fifty-nine of the principal Act in cases where there is no managing owner.

4. SHORT TITLE, CONSTRUCTION, AND COMMENCEMENT.—This Act may be cited as the Merchant Shipping Act, 1907, and shall be construed as one with the principal Act; and the Merchant Shipping Acts, 1894 to 1906, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1907.

CHAPTER LIII.

An Act to amend the Public Health Acts. [28*th August* 1907.]

CHAPTER LIV.

An Act to amend the Law with respect to Small Holdings and Allotments. [28*th August* 1907.]

CHAPTER LV.

An Act to amend the Law relating to Cabs and Stage Carriages in London. [28*th August* 1907.]

CHAPTER LVI.

An Act to facilitate the provision of Land for certain Evicted Tenants in Ireland and for other purposes connected therewith, and to make provision with respect to the tenure of office by the Estates Commissioners. [28*th August* 1907.]

APPENDIX TO STATUTES.

ACTS OF SEDERUNT.

ACT OF SEDERUNT to Regulate Procedure in the Court of Session.

[20*th March* 1907.]

Whereas it is provided by Section 106 of the Act of Parliament, 31 and 32 Vict., cap. 100 (entitled "An Act to Amend the Procedure in the Court of Session and the judicial arrangements in the Superior Courts of Scotland, and to make certain changes in the other Courts thereof") viz. :—"The Court of Session may from time to time make such regulations by Act of Sederunt as shall be necessary for carrying into effect the purposes of this Act; and for regulating the times and forms of summonses and writs and modes of procedure, and of pleadings; and generally the practice of the said Court in respect of the matters to which this Act relates; and for regulating the fees of the agents practising before the said Court; and, so far as may be found expedient, for altering the course of proceeding hereinbefore prescribed in respect to the matters to which this Act relates, or any of them; and may also repeal or alter the provisions of any Act of Sederunt relating to any of the matters hereinbefore specified, as may be inconsistent with such new regulations; and for that purpose the said Court may meet during vacation as well as during session: Provided that every such Act of Sederunt shall, within one month after the date thereof, be transmitted by the Lord President of the Court of Session to one of Her Majesty's principal Secretaries of State in order that it may be laid before both Houses of Parliament; and if either of the Houses of Parliament shall, by any resolution passed within thirty-six days after such Act of Sederunt has been laid before such House of Parliament, resolve that the whole or any part of such Act of Sederunt ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall from and after such resolution cease to be binding." Therefore the Lords of Council and Session, in pursuance of the powers vested in them, do hereby enact and declare as follows :—

Additional Division of Inner House.

1. Section 8 of the principal Act is hereby repealed from and after the words "or of any Act of Sederunt" to the end of the said section, and in place thereof it is hereby enacted that it shall be competent for the Court from time to time, by Act of Sederunt, to appoint any three judges to meet as a Court at such times as shall be specified in the Act of Sederunt, for the purpose of hearing and disposing of causes standing on the Rolls of the First and Second Divisions of the Inner House, and to appoint one or more of the Depute-Clerks of Session to act as clerk or clerks of said Court; and further, by Act of Sederunt, to make all necessary regulations as to the causes which shall from time to time be so heard and disposed of; and the senior Judge present shall preside, and shall sign the judgment of the said Court; and such judgment shall have the same effect in all respects as a judgment of one of the Divisions of the Inner House of the Court.

Amendment of Record.

2. The first proviso in Section 29 of the above-recited Act is hereby repealed; and the following provisions shall have effect in addition to the provision as to amendment of records in defended actions contained in said Section 29; but always subject to the provision at the end of said section as to the effect of amendments invalidating diligence :—

(*a*) Where an action or other proceeding has been commenced in the name of the wrong person as Pursuer, or where it has been commenced without a person whose conjunction may be deemed necessary to make a good instance, or where it is doubtful whether it has been commenced in the name of the right person, the Court or Lord Ordinary, if satisfied that it has been so commenced through *bona-fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, may allow any other person to be sisted as pursuer in substitution for, or in addition to, the original party, on such terms as to expenses as to the Court or Lord Ordinary shall seem proper.

(*b*) Where a party sues or is sued in a representative character, but it appears

that he ought to have sued or been sued in his own right, the Court or Lord Ordinary may, at the instance of either party, on such terms as to expenses as to the Court or Lord Ordinary shall seem proper, amend the record accordingly; and thereupon the action shall proceed in all respects as if the proper description of the party had been given in the Summons or other Writ.

(*c*) Where a party sues or is sued in his own right, but it appears that he ought to have sued or been sued in a representative character, the Court or Lord Ordinary may, at the instance of either party, on such terms as to expenses as to the Court or Lord Ordinary shall seem proper, amend the record accordingly; and thereupon the action shall proceed in all respects as if the proper description of the party had been given in the Summons or other Writ.

(*d*) Where the name or description of a pursuer or defender in the Summons or other Writ is insufficient or incorrect, it may be amended at the instance of either party, by order of the Court or Lord Ordinary, on such terms as to expenses as to the Court or Lord Ordinary shall seem proper; and thereupon the action shall proceed in all respects as if the name or description had been originally such as it appears after the amendment has been made; but if no objection is taken to the name or description the action may proceed, and in the judgment and all subsequent proceedings founded thereon the party may be named and described in the same manner as in the Summons or other Writ.

(*e*) Where in the course of an action it appears that all the parties who have an interest have not been called, it shall not be necessary for the Pursuer to bring a supplementary or additional action as heretofore, but it shall be competent for the Court or Lord Ordinary to allow the record to be amended by inserting in the Summons or other Writ the name of such additional Defender, and to have the record as amended served on him, along with a notice in the form contained in the Appendix hereto specifying the day upon which he must lodge defences or answers as the case may be; and thereafter the action shall proceed as if such added Defender had originally been made a party to the cause; and in the event of no defences or answers being lodged by such added Defender, after being duly served as aforesaid, the Pursuer shall be entitled to take decree against him in the undefended roll or otherwise according to the present practice. In the event of defences being lodged, the Pursuer shall print the record along with such defences; and the action shall thereafter proceed in ordinary form: Provided always that the Pursuer shall be liable for any expenses occasioned to the original Defender by his failure to call such added Defender in the first instance, unless cause be shown to the contrary; and the Court or Lord Ordinary shall make it a condition of such amendment being allowed that said expenses shall first be paid unless satisfied that the Pursuer had sufficient reason for not calling the said additional Defender in the first instance.

(*f*) It shall be competent for the Pursuer, at any time before final judgment, to amend the conclusions of the Summons or other Writ to the effect of increasing the sum for which he sues, or subjecting any other additional funds or property to the adjudication of the Court, on such terms as to expenses as to the Court or Lord Ordinary shall seem proper; and such amendment shall be allowed in all cases where, according to the existing practice, it would have been competent to raise a supplementary action; but in all other cases shall only be allowed in the discretion of the Court or Lord Ordinary.

(*g*) It shall be competent for the Court or Lord Ordinary to allow any amendment of the Summons or other Writ which may be necessary for the purpose of determining, in the existing action or proceeding, the real question in controversy between the parties, notwithstanding that, in consequence of such amendment, a larger or different remedy than that originally concluded for is thereby sought; but such amendment shall only be allowed on such terms as to expenses as to the Court or Lord Ordinary shall seem proper.

Procedure in Actions of Reduction.

3. The Summons in an action of reduction may be in the form, or as nearly as may be in the form, contained in the Schedule hereunto annexed. In the event of the form now in use being employed, it shall not be competent for the Agent to charge any

higher fees for the preparation of said Summons or in connection with the procedure in the action than if the form now sanctioned had originally been used.

4. It shall not be competent for a defender who objects on any ground to satisfy the production to lodge preliminary defences; but if he intends to defend the action, he shall put in defences stating his preliminary objections as well as his defences on the merits of the reduction.

5. Where the Defender does not state any objection against satisfying the production, he shall, along with his defences, produce the Writs or Documents sought to be reduced so far as the same are in his possession or under his control.

6. Where in any action a deed or writing is founded on by either party, all objections thereto may be stated and maintained by way of exception without the necessity of bringing a reduction thereof, unless the Court or Lord Ordinary shall consider that the matter would be more conveniently tried in a separate action of reduction.

ACTIONS OF PROVING THE TENOR.

7. Where an action of proving the tenor has been brought before one of the Judges of the Outer House, he shall not make great avizandum to the Inner House; but defences in said action shall be lodged, and a Record made up, in the same manner as in the case of ordinary contested actions; and the cause shall be disposed of by the Lord Ordinary in the Procedure Roll or after proof, and subject to the like review as if the action were an ordinary petitory action.

Where in an action of proving the tenor no appearance has been entered and no defences lodged, the Lord Ordinary shall fix a diet of proof, and shall dispose of the same with the same powers and in the like manner as are exercised by the Inner House according to the present practice.

MISCELLANEOUS PROVISIONS.

8. Where the Pursuer in any action of damages in the Court of Session, not being an action for defamation or for libel, or an action which is competent only in the Court of Session, recovers by the verdict of a jury £5 or any sum above £5 but less than £50, he shall not be entitled to charge more than one-half of the taxed amount of his expenses, unless the Judge before whom the verdict is obtained shall certify that he shall be entitled to recover any larger proportion of his expenses, not exceeding two third parts thereof.

9. Where a commission is granted by the Court or a Lord Ordinary for the examination of a witness, the Court or Lord Ordinary may, on the motion of either party to the cause, dispense with interrogatories in all cases where the commission falls to be executed within the United Kingdom, and also where the commission is to be executed abroad, on being satisfied that such a course is most expedient in the interests of the parties to the cause, and most conducive to the administration of justice.

10. It shall be competent for the Judge who sits at each Vacation Court to deal at such Courts with every motion which could competently be made in causes depending in the Outer House during Session. But this shall not be construed as making it competent to deal with the adjustment of Records or the adjustment of Issues; and the Judge shall not be bound to dispose of such motions, if in his opinion they can conveniently be postponed until the meeting of the Court.

11. It shall also be competent for the said Judge to entertain and dispose of all incidental motions in Petitions presented to the Inner House, provided that such motions do not, in the case of contentious petitions, involve the merits of the cause.

12. Section 15 of the principal Act is hereby amended to the effect that said section shall apply to lost interlocutor sheets as well as to the writs or pleadings therein enumerated.

BILL CHAMBER.

13. It shall be competent for the Lord Ordinary on the Bills to award expenses and to decide all questions relating thereto in processes of Suspension, Interdict, Suspension and Interdict, or Suspension and Liberation depending in the Bill Chamber, to the same effect as if such actions had been transmitted to the Court of Session.

14. A warrant to dismantle a ship shall not require the signature of a Lord Ordinary on the Bills; but such warrant, if signed by the Clerk of the Bill Chamber, or

the Assistant Clerk of the Bills in his absence, shall have the same force and authority as if signed by the Lord Ordinary on the Bills according to the existing practice.

15. Where a Note of Suspension, Interdict, Suspension and Interdict, or Suspension and Liberation has been lodged in the Bill Chamber, and no appearance has been entered, and no Answers have been lodged, and the Note has been passed with or without a sist, or with or without *interim* interdict or liberation, it shall not be necessary to mark the cause to a Division or Outer House Judge, or to transmit the process to an Outer House Clerk of the Outer House Judge; but the Lord Ordinary on the Bills shall have power to pronounce a final judgment in whole or in part granting the prayer of the Note, suspending the charge, sisting execution, or declaring the interdict to be perpetual, or the *interim* liberation to be final; and the Lord Ordinary shall have power to award expenses against the Respondent and to decern for the taxed amount thereof in the same manner as if the case had been transmitted to an Outer House Judge according to the present practice, and such interlocutor and process may be transmitted to the office of the Extractor of the Court of Session and there dealt with in the same way as if it were an interlocutor and process in the Court of Session.

16. After a cause which has been initiated in the Bill Chamber has been transmitted to one of the Judges of the Outer House, it shall be competent for the Lord Ordinary before whom the cause may be depending to pronounce an order granting or recalling *interim* interdict or for *interim* regulation of the matters in dispute, at any stage of the cause, in the same manner and to the same effect and subject to the like review as is now competent to the Lord Ordinary on the Bills; and such order may also be pronounced by any of the Divisions of the Court before whom the cause may for the time being depend at any stage thereof.

17. This Act shall be read along with and construed as part of the Act 31 & 32 Vict., cap. 100, but it shall not be held as limiting or affecting in any way the inherent jurisdiction of the Court of Session to regulate its own procedure from time to time, except in so far as same is prescribed by Act of Parliament.

DUNEDIN, *I.P.D.*

SCHEDULES.

FORM OF NOTICE OF SERVICE WHEN CALLING ADDITIONAL DEFENDER.

X.Y.

(Designation and address.)

Take notice that, in the action in which A. B. is the pursuer and C. D. is the defender, the record in which, as now amended, is herewith enclosed, your name has, by Order of Lord , Ordinary, dated , been added as a defender; and the conclusions of the action, originally directed against the said C. D., are now also directed against you. If you desire to defend the said action you will require to lodge defences within days from the date of service hereof, under certification that, if you fail to do so, the said A. B. will be entitled to take decree against you in the undefended roll in terms of the conclusions of the said action [or obtain decree in absence against you, in cases of Suspension and Interdicts, etc.].

FORM OF SUMMONS OF REDUCTION.

EDWARD THE SEVENTH, ETC.—WHEREAS it is humbly meant and shewn to us by our Lovite, A. B.,—*Pursuer*; against C. D.,—*Defender*; in terms of the condescendence and note of plea in law hereunto annexed: THEREFORE the defender Ought and Should be Decerned and Ordained, by Decree of the Lords of our Council and Session, to exhibit and produce before our said Lords (here enumerate the deeds sought to be reduced); and the said deeds Ought and Should be reduced by decree of our said Lords, and the pursuer reponed and restored thereagainst *in integrum*; and the defender Ought and Should be Decerned and Ordained, by decree foresaid, to make payment to the pursuer of the sum of £ sterling, or such other sum as our said Lords shall modify, as the expenses of the process to follow hereon, conform to the laws and daily practice of Scotland, used and observed in the like cases as is alleged.—OUR WILL IS HEREFORE, ETC.

ACT OF SEDERUNT to Regulate in Certain Points the Procedure Under the Workmen's Compensation Act, 1906 [6 Edw. VII., cap. 58]. [26*th June* 1907.]

The Lords of Council and Session, in virtue of the powers conferred by the Workmen's Compensation Act, 1906 (hereinafter called "the Act"), and in pursuance of said Act, do enact and ordain as follows:—

I. A party to any arbitration under the Act may appear in person, or be represented—

(*a*) By counsel;

(*b*) By a duly qualified law agent; or

(*c*) Where written authority from him is produced, by a member of his family, or any other person;

but no fee paid to a counsel shall be allowed on taxation, unless the arbitrator has certified that the employment of counsel was proper; and no person other than a counsel (when the employment of counsel is authorised) or a duly qualified law agent shall be entitled to have any fee or reward for appearing or acting on behalf of any party in an arbitration under the Act; provided always that an arbitrator may, in the case of a workman appearing in person, or a member of his family appearing for him, or in the case of a manager, clerk, or other servant appearing as the representative of an employer, make such allowance in respect of loss of time and travelling expenses as he shall think reasonable.

An application under paragraph 9 of the First Schedule to the Act may in the case of neglect of children by a widow be made by the Procurator-Fiscal of the Sheriff Court or by the Parish Council.

II. An application for the settlement by arbitration of any claim for compensation under the Act shall not be made unless and until some question has arisen between the parties, and such question has not been settled by agreement. The application shall state concisely the question which has arisen.

III. An application for the settlement by arbitration of the amount payable as compensation under the Act in a case where death has resulted from the accident may be made by the employer, or by the executor or other legal personal representative, if any, of the deceased workman, or by all or any of his dependants. It shall set forth the names of all the dependants (including those persons who claim to rank as dependants) so far as known to the applicant or applicants, and, where it is presented by or on behalf of some only of the enumerated dependants, the rest of them shall be called as respondents; provided always that, if in the course of the proceedings it appears that there are other dependants than those who are parties thereto, the Sheriff may order the petition to be served upon the omitted dependants, and may sist procedure in order to enable him or them to appear.

IV. Applications under this Act, if the parties reside in different districts, shall be made to the Sheriff Court of the County or District of a County

1. In which the accident occurred; or
2. In the case of a claim by virtue of section 8 of the Act, in which the workman was last employed in the employment to the nature of which the disease was due; or
3. If the accident occurred at sea,
   (*a*) in which the ship is at the time when intimation or service of the application is made; provided that such intimation or service is made to or on the master of the ship in the same county or district of a county; or
   (*b*) in which the managing owners of the ship, or some or one of them, or the manager, may reside or have a place of business;

without prejudice to any transfer as hereinafter provided.

V. If a Sheriff before whom an application under the Act is brought is of opinion that the case can be more conveniently tried and determined in any other Court in Scotland, England, or Ireland, he may on the motion of any of the parties make an Order remitting the case to such Court, and on such Order being made it shall be the

duty of the Sheriff Clerk to transmit the application with all the relative documents to the Sheriff Clerk or Registrar of the Court named in the Order, and to transfer to such Sheriff Clerk or Registrar any money invested in connection with such application in his name as Sheriff Clerk, and the case shall thereafter proceed in the last-mentioned Court as if it had originated there.

VI. When any money ordered to be transferred from one Court to another is invested in the Post Office Savings Bank in the name of the Sheriff Clerk, such money shall be transferred into the name of the Sheriff Clerk or Registrar of the Court to which the money is ordered to be transferred, in accordance with regulations to be made by the Postmaster-General with the consent of the Treasury; and where any money ordered to be transferred is not so invested, it shall forthwith be so invested, and shall when invested be transferred as hereinbefore directed.

VII. Where a claim for compensation under the Act is made against a principal, he may, at the calling of the case, move the Sheriff for authority to serve a copy of the petition, together with a notice of the claim for indemnity, upon any person against whom he intends to claim indemnity, and such person may within the time fixed by the Sheriff lodge a notice of appearance. If he does lodge a notice of appearance, he shall thereafter be deemed to be a party to the arbitration, and the question of his liability to indemnify the principal may, if they both consent, be summarily and finally determined therein; provided always that, if he is held in that process not to be liable to indemnify the principal, he shall not be subjected in any part of the claimant's expenses. If he fails to lodge a notice of appearance, he shall not be entitled, in any subsequent proceedings against him at the instance of the principal, to dispute the validity of any award made under the petition, whether the same be made of consent or otherwise.

VIII. In any claim for compensation under section 8 of the Act, if the employer alleges that the disease was in fact contracted while the workman was in the employment of some other employer, the Sheriff may grant authority to the employer to serve a copy of the application and of his averment as to the time and place of contracting the disease upon such other employer, and such other employer shall, upon such service, be held to be a party in the arbitration.

IX. Applications under paragraphs 7, 8, 9, 15, 16, or 17 of the First Schedule to the Act, or paragraphs 9 (*c*) or 14 of the Second Schedule to the Act, shall be made by a Minute, which shall be lodged in the original process, if any, and if there be no process, a copy of the recorded Memorandum, certified by the Sheriff Clerk, shall be lodged along with the Minute, and shall be held to be the process. Such Minute shall be intimated to the other party or parties interested, and thereafter be disposed of summarily, as if it were an application for settlement by arbitration under the Act. In all the cases referred to in this clause an entry shewing how the application is disposed of shall be made by the Sheriff Clerk in the special register kept for the purposes of the Act.

X. The costs of and incident to all proceedings under the Act shall not exceed the limits prescribed by the Act of Sederunt of 4th December 1878, entitled "An Act of Sederunt regulating the fees of agents practising before the Sheriff Courts in Scotland," and the regulations and table of fees therein contained shall, so far as applicable, be held to apply to such proceedings. It shall be competent to an arbitrator agreed on by the parties to direct payment to his clerk of such remuneration as may be allowed by the auditor of the Sheriff Court of the district, but not exceeding a fee of £1 for each day of the trial, a fee of 5s. for each other necessary meeting with the parties, and a fee of 2s. for each necessary letter, besides outlays and copying charges.

XI. (1) The memorandum as to any matter decided by a committee, or by an arbitrator other than a Sheriff, or by agreement, which is by paragraph 9 of the Second Schedule appended to the Act required to be sent to the Sheriff Clerk, shall be as nearly as may be in terms of Form I. in the Appendix hereto. The Sheriff Clerk shall forthwith send a copy (for which, unless it is supplied to him along with the memorandum, he shall be allowed to charge at the rate of 1s. per sheet) to the party or parties interested (other than the party from whom he received it) in a registered letter containing a request that he may be informed within a reasonable specified time whether the memorandum and award (or agreement) set forth therein are genuine, or are objected

to; and if within the specified time he receives no intimation that the genuineness is disputed, or that the recording is objected to, then he shall, but not sooner than seven days after the dispatch of such letter of request, record the memorandum in the special register to be kept by him for the purpose, unless he himself refuses to record it under paragraph 9 (*d*) of the said Second Schedule; but if the genuineness is disputed, or the recording is objected to, he shall send a notification of the fact to the party from whom he received the memorandum, along with an intimation that the memorandum will not be recorded without a special warrant from the Sheriff.

(2) An award by a Sheriff under the Act, or a certified copy thereof, shall be forthwith recorded by the Sheriff Clerk in the said register as if it were a memorandum, and written notice of such recording and of the terms of the award shall be forthwith sent by him to the parties interested.

(3) Where an award of compensation has been made by a Court under sub-section 4 of section 1 of the Act, the certificate thereof shall be sent by the party to whom the same is given to the Sheriff Clerk of a Sheriff Court having jurisdiction, and the Sheriff Clerk shall forthwith record it in the said register as if it were a memorandum, and written notice of such recording and of the terms of the certificate shall be sent by him to the other party or parties interested.

XII. When the genuineness of a memorandum under paragraph 9 of the Second Schedule appended to the Act is disputed, or when an employer objects to the recording of such memorandum under sub-section (*b*) of said paragraph, or the Sheriff Clerk refuses under sub-section (*d*) of said paragraph to record such memorandum, the person disputing the genuineness, or the employer or the Sheriff Clerk, as the case may be, shall lodge a Minute stating clearly all the grounds for his action, and the memorandum shall thereupon be dealt with as if it were an application to the Sheriff for settlement by arbitration of the questions raised by the Minute.

XIII. Where an award, or a memorandum under paragraph 9 of the Second Schedule appended to the Act, or a certificate granted by a Court under sub-section 4 of section 1 of the Act has been recorded in the books of any Court, and any party takes in another Court any proceedings under the Act with reference to the subject matter of such award, memorandum, or certificate, he shall lodge with his application an extract or certified copy of such award, memorandum, or certificate.

XIV. No sum of money shall be paid into Court except upon an Order of Court, or under and in respect of a recorded Memorandum.

XV. (1) An application to the Court under paragraph 15 of Schedule I. of the Act shall be signed by or on behalf of both parties, and shall contain a statement of the facts which render the application necessary. It shall be accompanied by a copy of the report of every medical practitioner who has examined the workman, either on behalf of the employer or on the selection of the workman, and also by a copy of the application and of all the productions made therewith. The fee payable by the applicants shall be calculated at the rate of one shilling in the pound on twenty-six times the amount of the weekly payment claimed by or payable to the workman, so that the total fee shall not exceed one pound.

(2) The Sheriff Clerk shall, if he finds the application to be in order, refer the matter to one of the medical referees appointed for the county or district of a county, and shall deliver or send by registered post to such referee the reference, which shall be as nearly as possible in terms of Form IV. in the Appendix hereto, and a copy of the application and productions.

(3) The Sheriff Clerk shall also direct the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made by the Secretary of State, and it shall be the duty of the workman on being served with such direction, which shall be as nearly as possible in terms of Form V. of the Appendix hereto, to submit himself for examination accordingly.

(4) Before making such direction the Sheriff Clerk shall inquire whether the workman is in a fit condition to travel for the purpose of examination, and if satisfied that he is in a fit condition, shall direct him to attend at such time and place as the referee may fix, and if satisfied that he is not in a fit condition to travel, shall so state in the reference.

(5) The Sheriff Clerk shall deliver or send by registered post to each party a copy

of the reference, and to the workman a copy of the direction to submit himself for examination.

(6) The medical referee on receipt of the reference shall fix a time and place for examination of the workman, and shall send notice thereof to the employer and workman.

(7) The medical referee shall, as soon as possible, forward his certificate on the matter to the Sheriff Clerk by registered post.

(8) On the receipt of the certificate of the medical referee, the Sheriff Clerk shall inform the parties by post that it has been received, and shall permit any party to inspect the same during office hours, and shall on the application and at the cost of either party furnish him with a copy of the certificate or allow him to take a copy thereof.

XVI. (1) When a workman receiving a weekly payment intends to cease to reside within the United Kingdom, he may apply to the court to refer to a medical referee the question whether the incapacity of the workman resulting from the injury is likely to be of a permanent nature.

(2) The application shall be made by notice in writing, according to Form VI. in the Appendix, which shall be lodged with the Sheriff Clerk, and shall be accompanied by a copy of the report of any medical practitioner who has examined the workman on the selection of the workman; and a copy of the application and of such report (if any) shall be served on the employer or his solicitor ten clear days before the hearing of the application, unless the Sheriff Clerk gives leave for shorter notice; and the applicant shall lodge a copy of the application and of the report (if any) for the use of the medical referee.

(3) If the workman has been examined by a medical practitioner on behalf of the employer, the employer may at or at any time before the hearing of the application furnish the workman with a copy of the report of that practitioner as to the workman's condition, and lodge a copy of the report for the use of the medical referee.

(4) The Sheriff Clerk, on being satisfied, after hearing parties if he thinks it necessary, that the applicant has a *bona fide* intention of ceasing to reside in the United Kingdom, shall refer the question to a medical referee, such reference being made as far as possible in terms of Form VII. in the Appendix hereto; and if he is not so satisfied, he may refuse to do so, but in that case he shall, if so requested by the applicant, refer the matter to the Sheriff, who may make such order as he may think fit.

(5) If the question is referred by the Sheriff Clerk or by order of the Sheriff to a medical referee, the Sheriff Clerk shall, in or as nearly as may be in terms of Form V. of the Appendix hereto, direct the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made by the Secretary of State; and the provisions of paragraphs 2 to 6 of section XV. hereof shall with the necessary modifications apply.

(6) The medical referee shall, as soon as possible, forward his certificate in the matter to the Sheriff Clerk by registered post, specifying therein the nature and cause of the incapacity of the workman, and whether the same is total or partial; and the Sheriff Clerk shall thereupon proceed in accordance with paragraph 8 of section XV. hereof.

(7) Where the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature, the Sheriff Clerk shall on application furnish the workman

(*a*) with a copy of the certificate of the medical referee, certified by the Sheriff Clerk to be a true copy; and

(*b*) with a copy of the award, memorandum, or certificate under which the weekly payment is payable, certified by the Sheriff Clerk to be a true copy; and

(*c*) with a certificate of identity according to Form VIII. in the Appendix hereto; and

(*d*) with a notice according to Form IX. in the Appendix, annexing thereto forms of certificate and declaration according to Forms X. and XI. in the Appendix;

and shall procure from the workman a specimen of his signature, and retain the same for reference.

(8) A workman who desires to have the weekly payments payable to him remitted to him while residing out of the United Kingdom, shall at intervals of three months

from the date to which such payments were last made, submit himself to examination by a medical practitioner in the place where he is residing, and shall produce to him the copy of the certificate of the medical referee and the certificate of identity furnished under the immediately preceding paragraph, and shall obtain from him a certificate in terms of Form X. in the Appendix that the incapacity of the workman resulting from the injury continues; and such certificate shall be verified by declaration by the medical practitioner, in the presence of the workman, before a person having authority to administer an oath.

(9) The workman shall also make a declaration of identity according to Form XI. in the Appendix, before a person having authority to administer an oath, producing to such person the copy and certificate above mentioned, and the certificate of the medical practitioner by whom he has been examined.

(10) The workman shall forward the certificate and declaration in the two last preceding paragraphs mentioned to the Sheriff Clerk, with a request, according to Form XII. in the Appendix, for the transmission to him of the amount of the weekly payments due to him, specifying the place where and the manner in which the amount is to be remitted, which request shall be signed by the workman in his own handwriting.

(11) On receipt of the certificate, declaration, and request, the Sheriff Clerk shall examine the same, and may, if not satisfied that the same are in order, return the same for correction.

(12) When the Sheriff Clerk is satisfied that the certificate, declaration, and request are in order, he shall send to the employer a notice according to Form XIII. in the Appendix, requesting him to forward the amount due; and the employer shall thereupon forward the amount to the Sheriff Clerk, who shall remit the same, less any fees payable to the Sheriff Clerk and the cost of transmission, to the workman, at the address and in the manner requested by him, such remittance being in all cases at the cost and risk of the workman.

XVII. The following regulations shall apply to cases to be stated by a Sheriff in virtue of the provision contained in paragraph 17 (*b*) of the Second Schedule appended to the Act:

(*a*) An application to a Sheriff to state a case on a question of law determined by him shall be made by minute lodged in the process within seven days after the Sheriff has issued his award, and such minute shall set forth the question (or questions) of law proposed as the subject matter of the case, and shall be accompanied by a deposit of £1, which shall be paid to the Sheriff Clerk as his fee for preparing the case.

(*b*) The Sheriff Clerk shall within seven days from the lodging of such minute, accompanied as aforesaid, prepare the case and submit the same in draft to the parties or their agents.

(*c*) Should the parties or their agents fail to agree as to the terms of the case, these shall be settled by the Sheriff, provided always that, if the Sheriff on a draft case being submitted to him is of opinion that any question of law stated in it was not raised by the admissions made or the facts proved before him, or that the application for a case is frivolous, he may refuse to state or sign the case, but in that event he shall grant to the applicant a certificate specifying the cause, and bearing the date, of the refusal.

(*d*) The case shall be as nearly as possible in terms of Form II. in the Appendix hereto, and shall bear to be stated by the Sheriff and shall be signed by him.

(*e*) The appellant shall, within seven days after the case as settled has been delivered to him, give written notice of his intention to proceed with it, and of the Division to which he proposes to submit it, to the other party or parties interested, and shall at the same time send to each of such parties a copy of the case. He shall also within the said seven days transmit the case by post to, or cause the same to be lodged with, the principal clerk of the Division mentioned in the foresaid notice, together with a certificate under the hand of himself or his law agent of the notice having been given to the other parties.

(*f*) The regulations as to the printing of appeals from the Sheriff Court contained in the Act of Sederunt of 10th March 1870, "anent probation and appeals from inferior courts," shall apply to cases stated under the Act, provided always that it shall not be necessary to print any document, except the case, without a special order from the Court, and provided also that either party may move for an order on the Sheriff Clerk to transmit the process.

(*g*) The Court shall have power when determining a case to make such order arising out of the answer (or answers) given by them to the question (or questions) put as they shall think necessary, and also to make such order as to the costs of the case as to them may seem right. They may also, before giving their determination, send back the case to the Sheriff for amendment.

(*h*) When a Sheriff has refused to state and sign a case, the applicant for the case may within seven days from the date of such refusal apply by a written note to one of the Divisions of the Court of Session for an order upon the other party or parties to show cause why a case should not be stated. Such note, which may be in terms of Form III. of the Appendix hereto, shall be accompanied by the above-mentioned certificate of refusal, and shall state shortly the nature of the cause, the facts, and the question or questions of law which the applicant desires to raise, and any Judge of the Division, or in vacation the Lord Ordinary officiating on the Bills, may, after intimation to the other party or parties, dispose of it summarily, and his judgment upon it, as well as upon the question of costs, shall be final. If an order is pronounced requiring the Sheriff to state and sign a case, the case shall be stated as hereinbefore provided, and these regulations shall apply to the subsequent procedure.

XVIII. This Act of Sederunt shall come into operation on 1st July 1907, but except so far as it relates to references to medical referees and proceedings consequential thereon, shall not apply in any case where the accident happened before the commencement of the Act.

And the Lords appoint this Act to be inserted in the Books of Sederunt, and to be printed and published in common form.

J. H. A. MACDONALD, *I.P.D.*

APPENDIX.

Form I.

Form of Memorandum under paragraph 9 *of Schedule II.* (*and Act of Sederunt, section* 11).

Workmen's Compensation Act, 1906.

A. B. (*name and design him or them, and if legal representative state character*), *Claimant*,

v.

C. D. (*name and design him or them*), *Respondent.*

Claim.—The claimant claimed compensation from the respondent in respect of—

Personal injury (*here state very shortly the nature of the injury*, e.g. *broken leg, loss of arm, internal injuries, etc.*),

[or]

The death of *of whom the claimant is* (*here state relationship*, e.g. *widow, son, etc., and whether or not dependent, or representative*),

caused by accident in the employment of (*here state whether in service of the respondent; or of a contractor, naming and designing him, employed by the respondent*),

at on .

DIFFERENCE AND MODE OF SETTLEMENT.—The question in dispute, which was (*here state shortly whether liability, right to claim, or amount of compensation only was disputed*) was *referred to* (*here state whether a committee or arbitrator, describing or naming them*) [or] *determined by agreement.*

DETERMINATION AND COMPENSATION FIXED.—The *decision* [or] *award* [or] *agreement* was made on , and was as follows:

(*Here set out the same.*)

REQUEST TO RECORD.—It is requested that this memorandum be recorded in the Special Register of the Sheriff Court of at .

To The Sheriff Clerk,
Court House,
.....

Signature.....
Dated.....

FORM II.

Form of Stated Case.

In the Sheriff Court of at , on appeal to the Division of the Court of Session, in an arbitration under the Workmen's Compensation Act, 1906, between A. B. (*name and design him*), *Appellant*, and C. D. & Co. (*name and design them*), *Respondents.*

This is an arbitration [*state concisely and without argument the nature of the application, and the facts admitted or proved which raise the question* (*or questions*) *of law to be submitted on appeal*].

The question (or questions) of law for the opinion of the Court is (or are) [*state it or them*].

This case is stated [*or*, as adjusted by the parties, is stated] by me.

(*Signature of Sheriff.*)

Dated this day of 19 .

FORM III.

Form of Note for Order to state a Case.

In the Sheriff Court of at , on appeal, at the instance of A. B. (*name and design him*), *Appellant*, to the Division of the Court of Session, in an arbitration under the Workmen's Compensation Act, 1906, between (*state the parties*).

In this arbitration, which was decided by Sheriff , on , the said Sheriff has refused, conform to certificate herewith produced, to state and sign a case for which the appellant duly applied in writing.

[*Here state concisely and without argument the nature of the application, and the facts alleged to be admitted or proved which raise the question* (*or questions*) *of law proposed to be submitted on appeal.*]

The question (or questions) of law proposed to be submitted for the opinion of the Court is (or are) [*state it or them*].

The appellant prays for an order on the respondents, the said , to show cause why a case should not be stated by the Sheriff for the following reasons:—[*here state seriatim the reasons*].

[*To be signed by the appellant or his counsel or law agent.*]

Dated this day of 19 .

FORM IV.

Form of Reference by Sheriff Clerk to Medical Referee under Schedule I., section 15 of the Act, and Act of Sederunt, section 15 (2).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant*, *v.* C. D., *Respondent.*

On the application of A. B., residing at , and C. D. , of (a copy of which is hereto annexed), reference is hereby made to of a medical referee under the said Act, to examine the said and give his certificate *as to the condition of the said and his fitness for employment, specifying if necessary the kind of employment for which he is fit;*

[*or*]

whether or to what extent the incapacity of the said is due to the accident.

Copies of the reports of the medical practitioners by whom the said has been examined are annexed. The said , who is now at , has been directed to submit himself for examination.

The said is in a fit condition to travel and he has been directed to attend for examination at such time and place as may be fixed by the referee;

[*or*]

The said does not appear to be in a fit condition to travel.

The referee is requested to forward his certificate to the Sheriff Clerk of at on or before the day of .

Dated.....

Signature.....

Sheriff Clerk of.....

FORM V.

Form of Direction by Sheriff Clerk to Workman (Act of Sederunt, sections 15 (3) and 16 (5)).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant*, *v.* C. D., *Respondent.*

To A. B. (*here state name and address*).

Take notice that Mr of , one of the medical referees under the Act, has been appointed to examine you in accordance with the application made.

You are hereby required to submit yourself for examination by him [*add where workman is in a fit condition to travel*] *and to attend for that purpose at such time and place as may be fixed by him.*

Signature.....

Sheriff Clerk of.....

Dated.....

FORM VI.

Form of Notice of Application by Workman intending to reside Abroad for Reference to Medical Referee under Schedule I., paragraph 18 of the Act, and Act of Sederunt, section 16 (2).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant*, *v.* C. D., *Respondent.*

Take notice that A. B., now residing at , to whom, under a *Memorandum* [*or*] *Award* [*or*] *Certificate*, recorded on , a weekly payment of

is payable by the said , intends to cease to reside in the United Kingdom.

The said A. B. craves the Court to refer to a medical referee the question whether the incapacity of the said A. B. resulting from the injury is likely to be of a permanent nature.

Dated.....

Signature.....
(*of Applicant or Applicant's Agent*).

To The Sheriff Clerk of
Court House,
.....

FORM VII.

Form of Reference by Sheriff Clerk to Medical Referee under Schedule I., paragraph 18 *of the Act, and Act of Sederunt, section* 16 (4).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant*, *v.* C. D., *Respondent.*

On the application of A. B., now residing at (a copy of which is hereto annexed), reference is hereby made to of , a medical referee under the said Act, to examine the said , and to give his certificate as to whether the incapacity of the said , resulting from the injury, is likely to be of a permanent nature.

The said , who is now at , has been directed to submit himself for examination.

The said is in a fit condition to travel, and has been directed to attend for examination at such time and place as may be fixed by the referee;

[or]

The said does not appear to be in a fit condition to travel.

The referee is requested to forward his certificate to the Sheriff Clerk of at , on or before the day , specifying therein the nature and cause of the incapacity of the said , and whether the same is total or partial.

Dated.....

Signature.....
Sheriff Clerk of.....

FORM VIII.

Form of Certificate of Identity (*Act of Sederunt, section* 16 (7) (*c*)).

(*To be printed on thick blue Foolscap.*)

Workmen's Compensation Act, 1906.

TO BE CAREFULLY PRESERVED. No. of Certificate

Notice.—This Certificate is no security whatever for a Debt.

Sheriff Court of at .

A. B., *Claimant*, *v.* C. D., *Respondent.*

This is to certify that A. B. , late of (*address and description*), is entitled to a weekly payment of from (*name and address of employer*) as compensation payable to the said A. B. in respect of personal injury caused to him by

accident, arising out of and in the course of his employment, such weekly payment to continue during the total or partial incapacity of the said A. B. for work; and that the description of the said A. B. and his incapacity for work, as certified by the medical referee, appointed under the said Act, are as follows:—

Age
Height
Hair Eyes
Nature of incapacity. (*Describe nature and cause of incapacity and whether the same is total or partial, as in certificate of medical referee.*)
Dated.....

Signature.....
Sheriff Clerk of.....

FORM IX.

Form of Notice to be given by Sheriff Clerk to Workman intending to reside Abroad (Act of Sederunt, section (16) (7) (*d*)).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant, v.* C. D., *Respondent.*

To A. B. (*address and description*).

Take notice that if you desire to obtain payment of the weekly payments payable to you under the *award* [or] *memorandum* [or] *certificate* hereto annexed, while you are residing out of the United Kingdom, you must at intervals of three months from the date up to which such payments have been made, submit yourself to examination by a medical practitioner in the place where you are residing, and produce to him the copy of the certificate of the medical referee, and the certificate of identity hereto annexed; and you must obtain from such medical practitioner a certificate in the form hereto annexed, that he has examined you, and that your incapacity resulting from the injury specified in the certificate of the medical referee continues; and such certificate must be verified by the medical practitioner by declaration in your presence before some such person as hereinafter mentioned.

You must also attend before some such person as hereinafter mentioned, and make a declaration in the form hereto annexed that you are the same person as mentioned in the copy of the certificate of the medical referee and in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the copy and certificates above-mentioned.

You must then transmit to me at my office, situated at , the certificate of the medical practitioner by whom you have been examined, and your declaration together with a request for transmission to you of the amount of the weekly payment due to you, specifying the place where and the manner in which the amount is to be transmitted, according to the form hereto annexed, which request must be signed in your own handwriting.

The persons before whom a certificate may be verified on a declaration made are:—

1. Any person having authority to administer an oath in the place in which you reside.

2. Any British ambassador, envoy, minister, chargé d'affaires, or secretary of embassy or legation, exercising his functions in any foreign place in which you reside, or any British consul-general, consul, vice-consul, acting-consul, pro-consul, or consular agent exercising his functions in any foreign place in which you reside.

Dated this day of

Signature.....
Sheriff Clerk of.....

FORM X.

Form of Medical Certificate to be obtained by Workman residing out of the United Kingdom (Act of Sederunt, sect. 16 (7, *d*) *and* (8)).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant, v.* C. D., *Respondent.*

I (*name, address, and qualification of medical practitioner*) hereby certify that I have this day examined A. B. of , whom I conscientiously believe to be the same person as A. B. of described in the copy certificate of the medical referee in the above-mentioned proceedings, dated the day of , and in the certificate of identity, dated the day of , produced to me by the said A. B. ; and that in my opinion the incapacity of the said A. B. , resulting from the injury described in the said certificate of the medical referee, still continues.

Dated this day of .

Signature.....

Declared at this day of in the presence of the said A. B. , the copy of the certificate of the medical referee, and the certificate of identity above-mentioned being at the same time produced.

Before me

.....

.....

[*Signature and description of person before whom the declaration is made.*]

FORM XI.

Form of Declaration of Identity by Workman residing out of the United Kingdom (Act of Sederunt, section 16 (7, *d*) *and* (9)).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant, v.* C. D., *Respondent.*

I, A. B. of , hereby declare that I am the same person as A. B. of , described in the copy of the certificate of the medical referee in the above-mentioned proceedings, dated the day of , now produced by me, and in the certificate of identity, dated the day of , now produced by me, and the same person as A. B. of , described in the certificate of declared by the said in my presence on the day of , *and now produced by me.*

[*Signature of Claimant.*]

Declared at this day of , the certificates above-mentioned being at the same time produced.

Before me

.....

.....

[*Signature and description of person before whom the declaration is made.*]

FORM XII.

Form of Request for Transmission of Weekly Payments by Workman residing out of United Kingdom (*Act of Sederunt, section* 16 (10)).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant, v.* C. D., *Respondent.*

Sir,—I herewith enclose medical certificate and declaration of identity, and request that the amount of the weekly payments due to me in the above-mentioned proceedings may be transmitted to me at (*here give full address and state how transmission is to be made as*), by *Post Office Order payable at* (*here give name of Post Office*),
[or]
Banker's draft on the (*here give name and address of Bank*).—I am, sir, your obedient servant.

(*To be signed by the workman in his own handwriting.*)

To The Sheriff Clerk of.....
Court House,
.....,
Scotland.

FORM XIII.

Form of Notice by Sheriff Clerk to Employer of Receipt of Certificate, Declaration and Request for Payment Abroad (*Act of Sederunt, section* 16 (12)).

Workmen's Compensation Act, 1906.

Sheriff Court of at .

A. B., *Claimant, v.* C. D., *Respondent.*

I hereby give notice that proof has been received of identity and of continuance of incapacity, and I have to request you to transmit the sum of , being the amount of the weekly payments payable to A. B. , under the *award* [or] *memorandum* [or] *certificate*, from (*here state the date to which they were last paid*) to (*here give date* 13 *weeks from preceding date*) to me, to be remitted to the said A. B. .

Dated this day of 19 .

Signature.....
Sheriff Clerk of.....

To
(*Name and address of employer.*)

STATUTORY RULES AND ORDERS, 1907.

No. 407.

MASTER AND SERVANT.

Workmen's Compensation.

Industrial Diseases.

Order of the Secretary of State, dated May 22, 1907, extending the provisions of the Workmen's Compensation Act, 1906, to certain Industrial Diseases.

Whereas by section 8 of the Workmen's Compensation Act, 1906, the provisions of that Act are applied, in certain cases and subject to certain modifications, to workmen disabled by, or suspended from their usual employment on account of their having contracted, a disease mentioned in the Third Schedule to the Act;

And whereas it is enacted by sub-section (2) of the said section that if the workman at or immediately before the date of his disablement or suspension was employed in a process mentioned in the second column of the Third Schedule to the Act, and the disease contracted is the disease in the first column of that Schedule set opposite the description of the process, then the disease shall be deemed, except as otherwise provided in the sub-section, to have been due to the nature of that employment unless the employer proves the contrary;

And whereas sub-section (6) of the same section empowers the Secretary of State to make Orders for extending the provisions of that section to other diseases and other processes, and to injuries due to the nature of any employment specified in the Order not being injuries by accident, either without modification or subject to such modifications as may be contained in the Order;

Now I, the Right Honourable Herbert John Gladstone, one of His Majesty's Principal Secretaries of State, by this Order made under sub-section (6) of the said section, do hereby direct that the provisions of section 8 of the Workmen's Compensation Act, 1906, shall extend and apply to the diseases, injuries, and processes specified in the first and second columns of the Schedule annexed to this Order, as if the said diseases and injuries were included in the first column of the Third Schedule to the Act and as if the said processes were set opposite in the second column of that Schedule to the diseases or injuries to which they are set opposite in the second column of the Schedule annexed hereto.

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
May 22nd, 1907.

SCHEDULE.

Description of Disease or Injury.	Description of Process.
1. Poisoning by nitro- and amido-derivatives of benzene (dinitro-benzol, anilin, and others) or its sequelae.	Any process involving the use of a nitro- or amido-derivative of benzene or its preparations or compounds.
2. Poisoning by carbon bisulphide or its sequelae.	Any process involving the use of carbon bisulphide or its preparations or compounds.
3. Poisoning by nitrous fumes or its sequelae.	Any process in which nitrous fumes are evolved.
4. Poisoning by nickel carbonyl or its sequelae.	Any process in which nickel carbonyl gas is evolved.
5. Arsenic poisoning or its sequelae.	Handling of arsenic or its preparations or compounds.
6. Lead poisoning or its sequelae.	Handling of lead or its preparations or compounds.

Description of Disease or Injury.	Description of Process.
7. Poisoning by *Gonioma Kamassi* (African boxwood) or its sequelae.	Any process in the manufacture of articles from *Gonioma Kamassi* (African boxwood).
8. Chrome ulceration or its sequelae.	Any process involving the use of chromic acid or bi-chromate of ammonium, potassium, or sodium, or their preparations.
9. Eczematous ulceration of the skin produced by dust or caustic or corrosive liquids, or ulceration of the mucous membrane of the nose or mouth produced by dust.	
10. Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye, due to pitch, tar, or tarry compounds.	Handling or use of pitch, tar, or tarry compounds.
11. Scrotal epithelioma (chimney-sweeps' cancer).	Chimney-sweeping.
12. Nystagmus.	Mining.
13. Glanders.	Care of any equine animal suffering from glanders; handling the carcase of such animal.
14. Compressed air illness or its sequelae.	Any process carried on in compressed air.
15. Subcutaneous cellulitis of the hand (beat hand).	Mining.
16. Subcutaneous cellulitis over the patella (miners' beat knee).	Mining
17. Acute bursitis over the elbow (miners' beat elbow).	Mining.
18. Inflammation of the synovial lining of the wrist joint and tendon sheaths.	Mining.

STATUTORY RULES AND ORDERS, 1907.

No. $\frac{486}{S.\ 19}$.

MASTER AND SERVANT, SCOTLAND.

Workmen's Compensation Act, 1906.

Regulations, dated June 25, 1907, *made by the Secretary of State and the Treasury as to the duties and fees of Certifying and other Surgeons, and as to References to, and remuneration and expenses of, Medical Referees, in Scotland, under section* 8 *of the Act.*

I, the Right Honourable Herbert John Gladstone, one of His Majesty's Principal Secretaries of State, and We, the Lords Commissioners of His Majesty's Treasury, in pursuance of the powers respectively conferred on us by the Workmen's Compensation Act, 1906, section 8, sub-sections (1) (*f*), (3) and (5), and section 10, sub-section (1), hereby make the following regulations:—

Definitions.

1. In these regulations—
   (i.) "Act" means the Workmen's Compensation Act, 1906.
   (ii.) "Workman" means a workman as defined in section 13 of the Act.
   (iii.) "Certifying Surgeon" means either the certifying surgeon mentioned in sub-section (1) (i) of section 8 of the Act, or a medical practitioner appointed by the Secretary of State under sub-section (5) of section 8 to have the powers and duties of a certifying surgeon under the said section.
   (iv.) "Appointed Surgeon" means a surgeon having power, in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, to suspend a workman from employment in the process or processes specified in such rules or regulations.

(v.) "Medical Referee" means a medical practitioner appointed by the Secretary of State to Act as medical referee for the purposes of section 8 of the Act.

(vi.) "Sheriff Clerk" includes sheriff clerk depute for the purposes of ordinary sheriff court jurisdiction.

(vii.) The words "disease to which the Act applies" mean a disease mentioned in the third schedule to the Act or a disease or injury (not being an injury by accident) to which the provisions of section 8 of the Act have been extended by an Order made by the Secretary of State under sub-section (6) of that section.

2. Where a workman applies to a certifying surgeon for a certificate (hereinafter called "a certificate of disablement") that he is suffering from a disease to which the Act applies, and is thereby disabled from earning full wages at the work at which he was employed, the certifying surgeon, on payment of the prescribed fee, and after obtaining the particulars specified in the schedule to these regulations (Form 1) and such further information, if any, respecting the case as in the particular circumstances he may deem necessary, shall either proceed at once, if the application is made by the workman in person, to make a medical examination of the workman, or shall appoint forthwith a time and place for making such examination, and give notice thereof to the workman. Such notice, if given in writing, shall follow, as closely as may be, the form prescribed in the schedule (Form 2).

3. After personally examining the workman, the certifying surgeon shall either give the workman a certificate of disablement or shall certify that he is not satisfied that the workman is entitled to such certificate, and shall in either case deliver his certificate to the workman. The certificate given shall be in the form prescribed in the schedule to these regulations (Forms 3 and 5).

4. Where in pursuance of any special rules or regulations made under the Factory and Workshop Act, 1901, the certifying or appointed surgeon, after having personally examined a workman, suspends him from his usual employment on account of his having contracted any disease to which the Act applies, or where in the case of a workman applying to be suspended on account of his having contracted any such disease, the surgeon as aforesaid, after having personally examined such workman, refuses to order his suspension, he shall, on the application either of the employer or of the workman, and on payment of the prescribed fee, certify such suspension or refusal to suspend in accordance with the form prescribed in the schedule to these regulations (Forms 6 and 8), and shall deliver such certificate to the applicant.

5. Where a certificate of disablement is given or a workman is suspended, and the case is one in which, under the provisions of sub-section (2) of section 8 of the Act as extended by an Order of the Secretary of State made under sub-section (6) of the said section, the disease contracted by the workman will be deemed, unless the employer proves, or the certifying surgeon certifies, to the contrary, to have been due to the nature of the employment in the process in which at or immediately before the date of the disablement or suspension the workman was employed, the certifying surgeon, if he is of opinion that the disease contracted by the workman was not due to the nature of such employment, shall certify accordingly. Such certificate shall, where possible, be given simultaneously with, and included in, the certificate of disablement or the certificate (if any) of suspension, but may also be given separately on application by the employer and on payment of the prescribed fee; and in either case shall follow the form prescribed in the schedule to these regulations (*see* Forms 4 and 7).

For the purposes of this regulation an appointed surgeon shall have the same powers and duties as a certifying surgeon.

6. A copy of any certificate given by a certifying or appointed surgeon under the foregoing regulations shall, together with any other documents relating to the case, be retained and kept by the surgeon; and copies of any such certificate shall, on payment of the prescribed fee, be supplied by the surgeon to the employer and the workman.

7. The fees which the certifying and appointed surgeons shall be entitled to charge in respect of duties performed under section 8 of the Act shall be as follows:—

Fees payable by the Workman.

(i.) For any certificate given under regulation 3—

(*a*) in cases where the medical examination of the workman is made by the surgeon in the performance of his duties under the Factory and Workshop Act, 1901, a fee of 1*s.*;

(*b*) in all other cases, a fee of 5*s.*, and where the workman is unable to present himself for examination at the residence of, or other nearer place fixed by, the certifying surgeon, for every mile or portion thereof which the certifying surgeon is required to travel therefrom for the purpose of examining the workman, an additional fee of 1*s.*

(ii.) For any certificate of suspension or refusal to suspend, under regulation 4, when the medical examination of the workman is made in pursuance of any special rules or regulations under the Factory and Workshop Act, 1901, a fee of 1*s.*

(iii.) For a copy of any certificate obtained under regulation 6, a fee of 1*s.*

Fees payable by the Employer.

(iv.) For any certificate of suspension or refusal to suspend, obtained by the employer under regulation 4, a fee of 1*s.*

(v.) Where the employer applies under regulation 5 for a certificate that the disease contracted is not due to the nature of the employment, in respect of every such application (to include the certificate, if given), a fee of 2*s.* 6*d.*

(vi.) For a copy of any certificate obtained under regulation 6, a fee of 1*s.*

References to Medical Referees.

8. Where an employer or workman is aggrieved by the action of a certifying or appointed surgeon in giving or refusing to give a certificate of disablement or in suspending or refusing to suspend a workman, he may—

(*a*) if he is an employer, within seven days of the receipt of the notice of disablement or suspension required to be given under the Act, or, in a case of disablement, if the notice is not accompanied by the certificate of the surgeon, or a copy thereof, and the employer forthwith requires the workman to furnish him with a copy, within seven days of the receipt of such copy; or

(*b*) if he is a workman, within seven days of the date on which the surgeon has refused to give him a certificate of disablement or suspension,

apply to the sheriff clerk of the sheriff court for the district in which the workman was employed at the time of his examination by the surgeon, for the matter to be referred to a medical referee; provided that it shall be within the discretion of the sheriff clerk, on good cause shown, to extend in any case by not more than seven days the period within which an application is required to be made.

9. (*a*) Any application under the foregoing regulation (Forms 9 and 10) shall be made in writing, and shall state the grounds on which the reference is asked for, in accordance with the form prescribed in the schedule to these regulations, or as near thereto as may be.

(*b*) The application shall be accompanied by the certificate or a copy of the certificate obtained from the surgeon by whose action the applicant is aggrieved, and by any available report or reports of any medical practitioner by whom the workman has been examined; and if the applicant is an employer, by the notice of disablement or suspension served on him by the workman, and by an undertaking to pay any reasonable travelling expenses incurred by the workman in attending for examination by the medical referee.

(*c*) The applicant shall also file with the sheriff clerk such copies of the application and other documents as aforesaid as may be necessary for the use of the medical referee and of the employer or workman, as the case may be, hereinafter referred to as the respondent, who together with the applicant is directly interested in the application.

(*d*) In the event of any dispute as to the amount of the travelling expenses payable to the workman by the employer, the matter may be referred to the sheriff clerk, whose decision shall be final.

10. It shall be the duty of the sheriff clerk on receiving an application to satisfy himself that it is duly made in accordance with the foregoing regulations, and if it is not, to return it for amendment. If and when the application is in accordance with the regulations, he shall refer the matter forthwith to a medical referee, and shall forward to such medical referee by registered post one of the copies of the application and the other documents filed therewith, with an order of reference according to the form prescribed in the schedule. (Form 11.)

11. The sheriff clerk shall also make an order (Form 12) directing the workman to submit himself for examination by the medical referee. Before making such order the sheriff clerk shall inquire whether the workman is in a fit condition to travel for the purpose of examination, and if satisfied that he is in a fit condition shall by the order direct him to attend at such time and place as the referee may fix, and if satisfied that he is not in a fit condition to travel, shall so state in the order of reference; and it shall be the duty of the workman, on being served with the order, to submit himself for examination accordingly.

12. The sheriff clerk shall deliver or send by registered post to both parties a copy of the order of reference, and shall also send to the respondent copies of the other documents forwarded to the medical referee, and shall send to the workman a copy of the order directing him to submit himself for examination.

13. In the case of a reference under these regulations, the medical referee shall be one of those appointed by the Secretary of State for the sheriffdom which includes the district in which the case arises, and if the sheriffdom has been sub-divided and medical referees have been appointed for the sub-divisions, shall be one appointed for the sub-division comprising the aforesaid district. Provided that if any medical referee is or has been specially appointed by the Secretary of State, either for the sheriffdom or otherwise, for the purpose of deciding on any specified case or class of cases in which a reference may be made under these regulations, the reference in any such case shall be made to the medical referee so appointed. Provided also that if the surgeon by whose action the applicant is aggrieved has been appointed a medical referee, the reference shall not be made to him, but to such other medical referee as may be authorised to act.

14. The medical referee shall, on receipt of an order of reference duly signed by a sheriff clerk, together with copies of the documents required to be sent therewith, fix a time and a place for a personal examination of the workman, and shall send notice to the employer and workman accordingly (Forms 13 and 14). It shall be the duty of the workman, and, if the employer is the applicant, of the employer or a person duly authorised by him, to attend at the time and place fixed by the medical referee; and in the event of failure on the part of the workman or employer or both to appear as required by this regulation, the medical referee shall decide on the matter referred to him forthwith upon such information as shall be available, and with or without a personal examination. Provided that where the absence of the employer or his representative or of the workman is shown to the satisfaction of the medical referee to be unavoidable, or where the medical referee considers it necessary to apply for expert assistance as hereinafter provided, it shall be open to him to adjourn the inquiry on the reference and to resume it at such time and place as he may fix, after giving due notice to all parties concerned.

15. Except as otherwise provided by regulation 14, the medical referee shall, before deciding on the matter referred to him, make a personal examination of the workman, and shall consider any statements made or submitted by either party.

16. The medical referee shall, in the form prescribed in the schedule (Form 15) to these regulations (subject to such additions and modifications as the circumstances of the case may require), notify in writing his decision to the sheriff clerk, to the applicant, and to the respondent.

17. The medical referee shall send to the Home Office (Form 16) at the end of each quarter a statement (accompanied by any vouchers necessary), in the form prescribed in the schedule to these regulations, of the fees due to him for the quarter under these regulations.

18. The following fees and allowances are authorised to be paid to medical referees under these regulations:—

(i.) For deciding the matter referred to him in any reference and for all duties performed in connection therewith, 2 guineas.

(ii.) Where in order to examine the workman the medical referee is compelled to travel to a place distant more than two miles from his residence or such other centre as may be prescribed by the Secretary of State, in addition to the above fee, 5*s.* for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter 1*s.* for each mile distant therefrom.

(iii.) In cases involving special difficulty the medical referee may apply for special expert assistance, which may be granted by the Secretary of State if he thinks fit, on such terms as to remuneration or otherwise, as he may with the sanction of the Treasury determine.

19. In cases where a claim is made under regulation 18 (ii.) in respect of an examination of a workman, the medical referee, in submitting his quarterly statement under regulation 17, shall certify the distance of the place where the examination was made from his residence or other prescribed centre.

20. The sheriff clerk shall keep a record, in the form prescribed in the schedule (Form 17), of all references made by him under these regulations, and shall send the same to the Secretary of State at the end of each quarter.

21. These regulations shall come into force on the 1st day of July 1907, and shall apply to Scotland.

H. J. Gladstone,
One of His Majesty's Principal Secretaries of State.

Joseph A. Pease,
J. H. Whitley,
Two of the Lords Commissioners of His Majesty's Treasury.

25th June 1907.

SCHEDULE.

(Form 1.)

Particulars to be obtained by Certifying Surgeon upon application by Workman for Certificate of Disablement.

1. Name and address of workman ...
2. Disease in respect of which certificate is applied for ... ...
3. Symptoms complained of... ...
4. Employment to the nature of which disease is attributed ...
5. Name and place of business of employer who last employed workman in such employment
6. (*Where application is not made by workman in person*) whether workman is able to travel for purposes of examination ...

(Form 2.)

Notice to Workman of time and place appointed for his Examination by Surgeon.

Workmen's Compensation Act, 1906.

I hereby give you notice, with reference to your application for a certificate of disablement under section 8, sub-section (1), of the above-named Act, that I propose

to examine you at on the day of at o'clock, and that you are required to submit yourself for examination accordingly.

To (*the Workman*).

(Signed)

Certifying Surgeon.

(Form 3.)

Certificate of Disablement.

Workmen's Compensation Act, 1906.

I, (*a*) as certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district of (*or* as a medical practitioner appointed by the Secretary of State to have the powers and duties of a certifying surgeon for the purposes of section 8 of the Act), hereby certify that having personally examined (*b*) on the day of I am satisfied that (*c*) is suffering from (*d*) being one of the diseases to which the Workmen's Compensation Act applies, and is thereby disabled from earning full wages at the work at which (*c*) has been employed; and I * certify that the disablement commenced on the day of .

1. Full name and address of workman
2. Process in which workman states he was employed at or immediately before the date of disablement ... ...
3. Name and place of business of employer stated by workman to have last employed him in process above mentioned ... ...
4. Leading symptoms of disease ...

Dated this day of .

(Signed)

(*a*) strike out portion of description inapplicable. (*b*) name of workman. (*c*) "he" or "she." (*d*) name disease according to the terms in which it is described in the third schedule to the Act or Order of the Secretary of State, adding it to the schedule.

* If the surgeon is unable to certify a date on which the disablement commenced, he should strike out this part of the certificate. In that case the disablement will be deemed to have commenced on the date on which this certificate is given. *See* section 8 (**4**) of the Act.

(Form 4.)

Certificate (supplementary to a Certificate of Disablement) to be given by Certifying Surgeon in circumstances mentioned in Regulation 5.

1. *When the certificate is included in the certificate of disablement, it should run as follows:—*

But whereas the said workman appears to have been employed at or immediately before the date of disablement in (*a*) being a process (*b*) the second column of the third schedule to the Act, and the disease contracted by him, viz. (*c*) is a disease which (*d*) is set opposite the above-mentioned process, I hereby certify that in my opinion the said disease is not due to the nature of such employment.

Dated this day of .

(Signed)

(*a*) name process. (*b*) "mentioned in" or "added by an Order of the Secretary of State to." (*c*) name disease. (*d*) "in the first column of that schedule" or "under the provisions of the said Order."

2. *When the certificate is given separately on a subsequent application of the employer, it should be in the follwing form :—*

Workmen's Compensation Act, 1906.

Whereas I, (*e*) the certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district of (*or* as a medical practitioner appointed by the Secretary of State to have the powers and duties of a certifying surgeon, for the purposes of section 8 of the above-named Act), on the day of certified that (*f*) was suffering from (*g*) being a disease to which the Workmen's Compensation Act applies, and was thereby disabled from earning full wages at the work at which he was employed ; and whereas the said (*f*) appears to have been employed at or immediately before the date of disablement in (*h*) being a process (*i*) the second column of the third schedule to the Act, and the disease above-named is a disease which (*k*) is set opposite the above-mentioned process, I hereby certify that, in my opinion, the said disease was not due to the nature of such employment.

Dated this day of .

(Signed)

(*e*) strike out portion of description inapplicable. (*f*) name workman. (*g*) name disease. (*h*) name process. (*i*) "mentioned in" or "added by an Order of the Secretary of State to." (*k*) "in the first column of that schedule" or "under the provisions of the said Order."

(Form 5.)

Certificate of Certifying Surgeon refusing to give Certificate of Disablement.

Workmen's Compensation Act, 1906.

I, (*a*) as certifying surgeon appointed under the Factory and Workshop Act, 1901, for the district of (*or* as a medical practitioner appointed by the Secretary of State to have the powers and duties of a certifying surgeon for the purposes of section 8 of the above Act), hereby certify that having personally examined (*b*) who has applied for a Certificate of Disablement in respect of (*c*) being a disease to which the Workmen's Compensation Act applies, I am not satisfied that (*d*) is suffering from the said disease so as to be disabled from earning full wages at the work at which (*d*) has been employed.

1. Full name and address of workman ... ...
2. Employment to nature of which disease complained of was attributed ... ...
3. Name and place of business of employer stated by workman to have last employed him in such employment ... ...

Dated this day of .

(Signed)

(*a*) strike out portion of description inapplicable. (*b*) name workman. (*c*) name disease. (*d*) "he" or "she."

(Form 6.)

Certificate of Suspension by Certifying or Appointed Surgeon.

Workmen's Compensation Act, 1906.

I, the (*a*) surgeon for (*b*) hereby certify that after personally examining (*c*) , I have on the day of

in pursuance of the (*d*) made under the Factory and Workshop Act, 1901, suspended the said (*c*) from (*e*) usual employment on account of (*e*) having contracted (*f*) being a disease to which the Workmen's Compensation Act applies.

1. Full name and address of workman ... ...
2. Employment from which workman is suspended ... ...
3. Name and place of business of employer ... ...
4. Leading symptoms of disease ...

Dated this day of .

(Signed)

(*a*) "certifying" or "appointed." (*b*) name works at which workman is employed. (*c*) name workman. (*d*) name the special rules or regulations governing the employment. (*e*) "his" or "her." (*f*) name disease.

(Form 7.)

Certificate to be given in cases of suspension by Surgeon in circumstances mentioned in Regulation 5.

1. *When the certificate is included in a certificate of suspension, it should run as follows:—*

But whereas the said workman appears to have been employed at or immediately before the date of suspension in (*a*) being a process (*b*) the second column of the third schedule to the Act, and the disease contracted by him, viz. (*c*) is a disease which (*d*) is set opposite the above-mentioned process, I hereby certify that in my opinion the said disease is not due to the nature of such employment.

Dated this day of .

(Signed)

(*a*) name process. (*b*) "mentioned in" or "added by an Order of the Secretary of State to." (*c*) name disease. (*d*) "in the first column of that schedule" or "under the provisions of the said Order."

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2. *When the certificate is given separately on an application by the employer, it should be in the following form:—*

Workmen's Compensation Act, 1906.

Whereas I, the (*a*) surgeon for (*b*) on the day of in pursuance of the (*c*) made under the Factory and Workshop Act, 1901, suspended (*d*) from (*e*) usual employment on account of (*e*) having contracted (*f*) being a disease to which the Workmen's Compensation Act applies, and whereas the said (*d*) appears to have been employed at or immediately before the date of suspension in (*g*) being a process (*h*) the second column of the third schedule to the Act, and the disease above named is a disease which (*i*) is set opposite the above-mentioned process, I hereby certify that in my opinion the said disease was not due to the nature of such employment.

Dated this day of .

(Signed)

(*a*) "certifying" or "appointed." (*b*) name works at which workman was employed. (*c*) name special rules or regulations governing the employment. (*d*) name of workman. (*e*) "his" or "her." (*f*) name disease. (*g*) name process. (*h*) "mentioned in" or "added by an Order of the Secretary of State to." (*i*) "in the first column of that schedule" or "under the provisions of the said Order."

(FORM 8.)

Certificate by Certifying or Appointed Surgeon of Refusal to suspend.

Workmen's Compensation Act, 1906.

I, the (*a*) surgeon for (*b*) hereby certify that (*c*) having applied to me to be suspended from his usual employment in pursuance of (*d*) made under the Factory and Workshop Act, 1901, on account of (*e*) having contracted (*f*) being a disease to which the Workmen's Compensation Act applies, I have after personally examining the said (*c*) refused to suspend (*g*) .

1. Full name and address of workman ... ...
2. Name and place of business of employer ... ...
3. Grounds for refusal to suspend ...

Dated this day of .

(Signed)

(*a*) "certifying" or "appointed." (*b*) name works at which workman is employed. (*c*) name workman. (*d*) name the code of special rules or regulations governing the employment. (*e*) "his" or "her." (*f*) name disease. (*g*) "him" or "her."

(FORM 9.)

Application by Employer for Reference to Medical Referee.

In the Sheriff Court of holden at .

In the matter of the Workmen's Compensation Act, 1906,

and

In the matter of a Certificate of Disablement (*or* Suspension) granted in the case of (*name and address of workman*) in pursuance of the provisions of section 8 of the above-mentioned Act and the regulations made thereunder by the Secretary of State.

Application for a reference in the above-mentioned matter to a medical referee, pursuant to section 8, sub-section (1) (f), of the Act and to the above-mentioned regulations, is hereby made on behalf of (*name and place of business of applicant*) who states:—

1. That on the day of notice of disablement (*or* suspension) was given to the applicant by the above-mentioned under the provisions of the said Act.

2. That the said notice was consequent on a certificate of disablement given (*or* order of suspension made), on the day of , in pursuance of the said Act and regulations, by Mr residing at (*full address*), the certifying surgeon under the Factory and Workshop Act, 1901, for the district of (*or* a medical practitioner appointed by the Secretary of State to have the powers and duties of a certifying surgeon under section 8 of the said Act, *or* a surgeon appointed in pursuance of (*describe special rules or regulations under the Factory Act*) at (*name of factory or other place of employment*)).

3. That the applicant is aggrieved by the action of the above-mentioned Mr in giving the said certificate (*or* in making the said order of suspension), and claims that the said had not contracted the disease in respect of which the said certificate was given (*or* in respect of which the said order was made) (*or, in the case of a certificate of disablement*, was not suffering from the disease therein specified so as to be disabled from earning full wages at the work at which he was employed), in support of which claim he mentions the following circumstances:—(*)

And the applicant hereby undertakes, if the matter is referred to a medical referee, to repay to the said (*workman*) any reasonable travelling expenses he may incur in attending for examination by such referee.

* State grounds for claim, *e.g.*, report of any doctor employed by applicant.

Two copies of this application are annexed hereto, together with a copy of the notice and certificate of disablement (*or* suspension). (The above-mentioned report of the medical practitioner employed by me, and two copies thereof, are also annexed.)

Dated this day of .

(Signed)

Applicant.

To the Sheriff Clerk.

(Form 10.)

Application by Workman for Reference to Medical Referee.

In the Sheriff Court of holden at .

In the matter of the Workmen's Compensation Act, 1906,

and

In the matter of a Refusal of a certifying (*or* appointed) Surgeon to give a Certificate of Disablement to (*or* to suspend) (*name and address of applicant*) in pursuance of the provisions of section 8 of the above-mentioned Act and the regulations made thereunder by the Secretary of State.

Application for a reference in the above-mentioned matter to a medical referee, pursuant to section 8, sub-section (1) (f), of the said Act and to the above mentioned regulations, is hereby made on behalf of the said who states :—

1. That on the day of applicant applied to Mr residing at (*full address*) the certifying surgeon under the Factory and Workshop Act, 1901, for the district of (*or* a medical practitioner appointed by the Secretary of State to have the powers and duties of a certifying surgeon for the purposes of section 8 of the said Act, *or* a surgeon appointed in pursuance of (*describe special rules or regulations under Factory Act*) at (*name of factory, or other place of employment*)), for a certificate of disablement (*or* to be suspended) in respect of a disease to which the provisions of section 8 of the Workmen's Compensation Act apply.

2. That the said Mr refused to give the applicant a certificate of disablement (*or* to suspend the applicant) and certified to such refusal by a certificate, dated the day of , which is annexed to this application.

3. That the applicant is aggrieved by the action of the said Mr in refusing to give him a certificate of disablement (*or* to suspend him), and claims that he was suffering from the said disease, and was thereby disabled from earning full wages at the work at which he was employed (*or, in the case of a refusal to suspend*, that he had contracted the said disease and was thereby entitled, in accordance with the special rules (*or* regulations) made under the Factory and Workshop Act, 1901, for the process in which he was employed, to be suspended), in support of which claim he mentions the following circumstances :—(*)

4. That the employer on whom the applicant, if the matter is referred to a medical referee and decided in favour of the applicant, would serve the statutory notice of disablement (*or* suspension) is (*name and place of business of employer*).

Two copies of this application and the certificate of the surgeon (together with the above-mentioned report of the medical practitioner employed by me and two copies thereof) are annexed hereto.

Dated this day of

(Signed)

Applicant.

To The Sheriff Clerk.

* State grounds of claim, *e.g.*, report, if any, of doctor employed by applicant.

(Form 11.)

Order of Reference to Medical Referee.

In the Sheriff Court of holden at .

[*Heading as in application.*]

On the application of (a copy of which is hereto annexed), I hereby appoint Mr of , one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1906, to decide on the matter arising on the said application.

Copies of the notice and certificate of disablement (*or* suspension) (and of a report of a medical practitioner by whom the workman referred to in the application has been examined) are hereto annexed.

Or, if the workman is the applicant,

A copy of the certificate of the surgeon referred to in the application (together with a copy of a report of a medical practitioner by whom applicant has been examined), is hereto annexed.

The said , who is now at , has been directed to submit himself for examination by the referee.

I am satisfied that the said is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

[*Or* the said does not appear to be in a fit condition to travel for the purpose of being examined.]

Dated this day of .

Sheriff Clerk.

(Form 12.)

Order on Workman to submit himself for Examination by Medical Referee.

In the Sheriff Court of holden at

[*Heading as in Application.*]

To A. B. , of (*address and description*).

Take Notice, that I have appointed Mr , of , one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1906, to decide on the matter arising on the above application.

You are hereby required to submit yourself for examination by the referee [*add, where workman is in a fit condition to travel,* and to attend for that purpose at such time and place as may be fixed by him].

Dated this day of .

Sheriff Clerk.

(Form 13.)

Notice by Medical Referee to Workman.

Workmen's Compensation Act, 1906.

I hereby give you notice that I have received from the Sheriff Clerk of the Sheriff Court at , an order of reference appointing me to decide on your appeal against the action of Mr (*name of surgeon*) in refusing to give you a certificate of disablement (*or* to suspend you).

Or, if the employer is the appellant,

on the appeal made by (*name of employer*) against the action of Mr (*name of surgeon*) in giving you a certificate of disablement (*or* in suspending you);

And that you are required to attend (*or, if the workman has been ascertained not to be in a fit condition to travel,* to submit yourself) for examination at on the day of at o'clock.

Any statement made or submitted by you shall be considered.

(Signed)

To *Medical Referee.*

(Form 14.)

Notice by Medical Referee to Employer.

Workmen's Compensation Act, 1906.

I hereby give you notice that I have received from the Sheriff Clerk of the Sheriff Court at , an order of reference appointing me to decide on your appeal against the action of Mr (*name of surgeon*) in giving a certificate of disablement to (*or* in suspending) (*name of workman*).

Or, if the workman is the appellant,

on the appeal made by (*name of workman*) against the action of Mr (*name of surgeon*) in refusing to give him a certificate of disablement (*or* to suspend him);

And that I propose to examine (*name of workman*) at on the day of at o'clock.

Any statement made or submitted by you shall be considered.

Add, if the employer is the appellant.

You, or some person duly authorised by you, are hereby required to attend at the above time and place.

Dated this day of .

(Signed)

To *Medical Referee.*

(Form 15.)

Decision of Medical Referee.

[*Heading as in application.*]

I hereby give you notice that having duly inquired into the above-mentioned matter in accordance with the regulations of the Secretary of State, I decide as follows:—

I dismiss (*or* allow) the appeal of (*name of employer*) against the certificate of disablement given to (*name of workman*) on the day of

or

I dismiss (*or* allow) the appeal of (*name of employer*) against the suspension of (*name of workman*) on the day of

or

I dismiss the appeal of (*name of workman*) against the refusal of Mr (*name of surgeon*) to give him a certificate of disablement in respect of (*name of disease*),

or

I allow the appeal of (*name of workman*) against the refusal of Mr (*name of surgeon*) to give him a certificate of disablement in respect of (*name of disease*), and I fix the day of as the date on which the disablement commenced,

or

I dismiss (*or* allow) the appeal of (*name of workman*) against the refusal of Mr (*name of surgeon*) to suspend him on the day of .

Dated this day of .

(Signed) *Medical Referee.*

To (*the Sheriff Clerk*),
and to (*the Employer*),
and to (*the Workman*).

(Form 16.)

Medical Referee's Statement of Fees in respect of References under Section 8 of the Workmen's Compensation Act, 1906.

Number.	Names of Parties.	Date on which Reference received.	Sheriff Clerk from whom received.	Date and Place of Examination.	Date and Terms of Decision.	Amount of Fees under each of the headings in Regulation 18. (i.)	(ii.)	(iii.)
						£. s. d.	£. s. d.	£. s. d.
1.								
2.								
					£			
					Total £	s.	d.	

I hereby certify that I examined the workman on , at , which is distant miles from my residence or prescribed centre.

(Signed)

Medical Referee.

(Form 17.)

Record of References to be kept by Sheriff Clerk.

For quarter ended .

Number of Reference.	Names of Parties.	Action of Surgeon by which Applicant is aggrieved.	Name of Surgeon.	Nature of Disease.	Date on which Reference made.	Whether Workman directed to attend on Medical Referee or not.	Name of Medical Referee.

STATUTORY RULES AND ORDERS, 1907.

No. 495 S. 20.

MASTER AND SERVANT, SCOTLAND.

Workmen's Compensation Act, 1906.

Regulations, dated June 27, 1907, *made by the Secretary of State and the Treasury as to the Duties and Remuneration of Medical Referees in Scotland under the provisions of the First and Second Schedules to the Workmen's Compensation Act*, 1906.

I, the Right Honourable Herbert John Gladstone, one of His Majesty's Principal Secretaries of State, and We, the Lords Commissioners of His Majesty's Treasury, in

pursuance of the powers respectively conferred on us by the Workmen's Compensation Act, 1906, hereby make the following regulations:—

Part I.—Definitions and General Regulations.

1. In these regulations—

(i.) "Medical Referee" means a medical practitioner appointed by the Secretary of State to act as medical referee for the purposes of the Workmen's Compensation Act, 1906.

(ii.) "Reference" means—

(*a*) in regulations in Part II., the appointment of a medical referee by a sheriff clerk to give a certificate, in accordance with the provisions of paragraph (15) of the first schedule to the Workmen's Compensation Act, 1906, as to the condition of the workman and his fitness for employment, or as to whether or to what extent the incapacity of the workman is due to the accident.

(*b*) in regulations in Part III., the appointment of a medical referee by a sheriff clerk to give a certificate, in accordance with the provisions of paragraph (18) of the first schedule to the Workmen's Compensation Act, 1906, as to whether the incapacity resulting from the injury is likely to be of a permanent nature.

(*c*) in regulations in Part V., the appointment of a medical referee by a committee, arbitrator or sheriff to report on any matter material to any question arising in an arbitration under the Workmen's Compensation Act, 1906.

(iii.) "Committee" means a committee representative of an employer and his workmen, with power to settle matters under the Workmen's Compensation Act, 1906, in the case of the employer and workmen.

(iv.) "Arbitrator" means a single arbitrator agreed on by the parties to settle any matter which under the Workmen's Compensation Act, 1906, is to be settled by arbitration.

(v.) "Sheriff" includes sheriff-substitute.

(vi.) "Sheriff-clerk" includes sheriff clerk depute for purposes of ordinary sheriff court jurisdiction.

(vii.) The words "district in which the case arises" mean the district of the sheriffdom for purposes of ordinary sheriff court jurisdiction in which all the parties concerned reside, or, if they reside in different districts, the district prescribed by Act of Sederunt, subject to any transfer made under such Act.

2. In the case of any reference under these regulations, the medical referee, in the absence of special circumstances, shall be one of those appointed by the Secretary of State for the sheriffdom which includes the district in which the case arises, and shall, if the sheriffdom has been sub-divided, and medical referees have been appointed for the sub-divisions, be one appointed for the sub-division which comprises the aforesaid district. Provided that, where there has been a previous reference in any case, any subsequent reference in the same case shall, if possible, be made to the same referee and be accompanied by the previous report or certificate, or copy thereof, of the medical referee.

3. The medical referee shall not accept any reference under these regulations unless signed or countersigned by the sheriff clerk.

4. The medical referee shall send to the Home Office at the end of each quarter statements, in the forms prescribed in the schedule to these regulations (Forms I, J, K, and L), of the fees due to him for the quarter under these regulations.

5. In cases where a claim is made under the regulations in respect of travelling expenses, the medical referee, in submitting his quarterly statements under regulation 4, shall certify the distance of the place to which he was required to travel from his residence or other prescribed centre.

6. In cases involving special difficulty the medical referee may apply to the Secretary of State for special expert assistance, which may be granted by the Secretary

of State, if he thinks fit, on such terms as to remuneration or otherwise as he may with the sanction of the Treasury determine.

7. The sheriff clerk shall keep a record, in the form prescribed in the schedule (Form M), of all references made under these regulations, and of all cases in which a medical referee is summoned to sit as assessor, and shall send a copy thereof to the Secretary of State at the end of each quarter.

8. These regulations shall come into force on the 1st day of July 1907, and shall apply to Scotland.

Part II.—Regulations as to References under Schedule I., paragraph (15).

9. The medical referee shall, on receipt of a reference duly signed, fix a time and place for the examination of the workman, and shall send notice accordingly to both the parties signing the application on which the reference is made (Forms A and B).

10. Before giving the certificate required by the reference, the medical referee shall personally examine the workman and shall consider any statements that may be made or submitted by either party.

11. The certificate given by the medical referee shall be according to the form prescribed in the schedule to these regulations (Form C).

12. The medical referee shall forward his certificate to the sheriff clerk from whom he received the reference.

13. The following shall be the scale of fees to be paid to medical referees in respect of references under this part of the regulations :—

(i.) For a first reference (to include all the duties performed in connection therewith) ... ... 2 guineas.

(ii.) For a second or subsequent reference to the same medical referee in the same case ... ... 1 guinea.

(iii.) Where in order to examine the injured workman the medical referee is compelled to travel to a place distant more than two miles from his residence or such other centre as may be prescribed by the Secretary of State, in addition to the above fees—5*s.* for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter 1*s.* for each mile distant therefrom.

Part III.—Regulations as to References under Schedule I., paragraph (18).

14. The medical referee shall, on receipt of a reference duly signed (Form D), fix a time and place for the examination of the workman, and shall send notice accordingly to the workman.

15. Before giving the certificate required by the reference the medical referee shall make a personal examination of the workman.

16. The certificate given by the medical referee shall be according to the form prescribed in the schedule to these regulations (Form E).

17. The medical referee shall forward his certificate to the sheriff clerk from whom he received the reference.

18. The fee to be paid to a medical referee in respect of a reference (to include all the duties performed in connection therewith) under this part of these regulations shall be one guinea.

Part IV.—Regulation as to Remuneration of Medical Referee for sitting as Assessor under Schedule II., paragraph (5).

19. Where a medical referee attends on the summons of the sheriff for the purpose of sitting with the sheriff as an assessor, as provided for in paragraph (5) of the second schedule to the Workmen's Compensation Act, 1906, he shall be entitled for such attendance (to include his services as assessor) to a fee of 3 guineas, and where in order so to attend on the sheriff he is compelled to travel to a place distant more than two miles from his residence or such other centre as may be prescribed by the Secretary of State, he shall be entitled, in addition to the above fee, to 5*s.* for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter to 1*s.* for each mile distant therefrom.

Part V.—Regulations as to References under Schedule II., paragraph (15).

Conditions of Reference.

20. Before making any reference, the committee, arbitrator, or sheriff shall be satisfied, after hearing all medical evidence tendered by either side, that such evidence is either conflicting or insufficient on some matter which seems material to a question arising in the arbitration, and that it is desirable to obtain a report from a medical referee on such matter.

Form and Mode of Reference.

21. Every reference shall be made in writing and shall state the matter on which the report of the medical referee is required, and the question arising in the arbitration to which such matter seems to be material. Such reference shall be in accordance with the form prescribed in the schedule to these regulations (Form F), or as near thereto as may be.

The reference shall be accompanied by a general statement of the medical evidence given on behalf of the parties; and if such evidence has been given before a committee or arbitrator, each medical witness shall sign the statement of his evidence, and may add any necessary explanation or correction.

22. On making the reference to the medical referee, the committee, arbitrator or sheriff shall make an order in the form prescribed in the schedule (Form G), directing the injured workman to submit himself for examination by the medical referee. Before making such order they shall inquire whether he is in a fit condition to travel for the purpose of examination; and if satisfied that he is in a fit condition, they shall by the same order direct him to attend at such time and place as the referee may fix.

It shall be the duty of the injured workman to obey any such order.

If the committee, arbitrator or sheriff is satisfied that the workman is not in a fit condition to travel, they shall so state in the reference.

23. The reference shall be signed, if made by a committee, by the chairman and secretary of the committee; if made by an arbitrator, by the arbitrator; if made by a sheriff, by the sheriff; or by the sheriff clerk of the sheriff court in which the arbitration is pending.

24. A committee or arbitrator making a reference, shall, without naming a medical referee, address the reference in general terms to "one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1906," and shall forward it to the sheriff clerk of the sheriff court of the district in which the case arises.

Duties of Sheriff Clerk.

25. (1) In the case of a reference by a committee or arbitrator, the sheriff clerk on receiving the reference—

(*a*) Shall see that the reference is in accordance with these regulations, and if it is not, shall return it for amendment;

(*b*) Shall insert the name of the medical referee proper to be appointed;

(*c*) Shall, when the reference is in accordance with these regulations, countersign it, and forward it forthwith to the medical referee.

(2) In the case of a reference by a sheriff, the sheriff clerk of the sheriff court in which the arbitration is pending shall sign (or countersign) it, and forward it forthwith to the medical referee.

26. The sheriff clerk, on receiving a report from a medical referee under regulation 28, shall forthwith file a copy at the court and transmit the report to the committee, arbitrator or sheriff by whom the reference was made.

If the committee, arbitrator or sheriff shall direct that the parties be at liberty to inspect the report, the sheriff clerk shall on receiving notice of such direction permit such inspection to be made during office hours, and shall on the application and at the cost of any party furnish him with a copy of the report or allow him to take a copy thereof.

Report of Medical Referee.

27. The medical referee shall, on receipt of a reference duly signed, appoint a time and a place for the examination of the workman, and shall send him notice accordingly (Form H).

28. The medical referee shall give his report in writing, and shall forward it to the sheriff clerk from whom he received the reference.

29. The committee, arbitrator or sheriff may, by request signed and forwarded in the same manner as the reference, remit the report to the medical referee for a further statement on any matter not covered by the original reference.

Fees.

30. The following shall be the scale of fees to be paid to the medical referees in respect of references under this part of the regulations :—

(i.) For a first reference, to include examination of the injured workman and written report ... ... 2 guineas.

(ii.) For a further statement under regulation 29 on any matter not covered by the original reference ... ... 1 guinea.

(iii.) For a second or subsequent reference to the same referee in a further arbitration on the same case, to include examination, if necessary, and written report ... ... 1 guinea.

(iv.) Where in order to examine the injured workman the medical referee is compelled to travel to a place distant more than two miles from his residence or such other centre as may be prescribed by the Secretary of State, in addition to the above fees—5*s.* for each mile beyond two, and up to ten, miles distant from such residence or centre, and thereafter 1*s.* for each mile distant therefrom.

H. J. Gladstone,
One of His Majesty's Principal Secretaries of State.

J. Herbert Lewis,
Cecil Norton,
Two of the Lords Commissioners of His Majesty's Treasury.

27th June 1907.

SCHEDULE.

(Form A.)

Notice by Medical Referee to Employer or Solicitor signing the application on employer's behalf (Schedule I. (15)).

Workmen's Compensation Act, 1906.

To

I hereby give you notice that in accordance with the Reference made to me by the Sheriff Clerk of the Sheriff Court of holden at , under Schedule I., paragraph (15), of the above-named Act, in the case of (*name and address of workman*) I propose to examine the said at on the day of at o'clock.

Any statements made or submitted by you (*or, if the notice is addressed to the solicitor*, by the employer), will be considered.

Dated this day of .

(Signed)

Medical Referee.

(Form B.)

Notice by Medical Referee to Workman or Solicitor signing the application on Workman's behalf (*Schedule I.* (15)).

Workmen's Compensation Act, 1906.

To

I hereby give you notice that in accordance with the Reference made to me in your case (*or, if notice is addressed to the solicitor*), in the case of (*name and address of workman*), by the Sheriff Clerk of the Sheriff Court of holden at , under Schedule I., paragraph (15), of the above-named Act, I propose to examine you (*or* the said) at on the day of at o'clock.

And you are required to submit yourself (*or* the said is required to submit himself) for examination accordingly.

Any statements made or submitted by you (*or, if notice is addressed to the solicitor*, by the workman) will be considered.

Dated this day of .

(Signed)

Medical Referee.

(Form C.)

Certificate of Medical Referee as to condition of Workman and fitness for employment, or as to whether or to what extent incapacity of Workman is due to the accident (*Schedule I.* (15)).

Workmen's Compensation Act, 1906.

In accordance with the Reference made to me by the Sheriff Clerk of the Sheriff Court of holden at upon the application of (*names and addresses of parties*) I have on the day of examined the said (*name of workman*) and I hereby certify as follows :—

1. The said is*
and his condition is such that he is †

2. The incapacity of the said is ‡

Note.—*Either paragraph* 1 *or paragraph* 2 *to be filled up, or both to be filled up, according to the terms of the Reference.*

Dated this day of .

(Signed)

Medical Referee.

* Describe state of health.

† State whether workman is fit for his ordinary or other work, specifying where necessary the kind of work, or whether he is unfit for work of any kind.

‡ State whether or to what extent the incapacity is due to the accident (*or, in cases coming within section* 8 *of the Act,* to the disease).

(Form D.)

Notice by Medical Referee to Workman (*Schedule I.* (18)).

Workmen's Compensation Act, 1906.

To

I hereby give you notice that in accordance with the Reference made to me in your case by the Sheriff Clerk of the Sheriff Court of holden at

under Schedule I., paragraph (18), of the above-named Act, I propose to examine you at on the day of at o'clock, and you are required to submit yourself for examination accordingly.

Dated this day of .

(Signed)

Medical Referee.

(FORM E.)

Certificate of Medical Referee (*Schedule I.* (18)).

Workmen's Compensation Act, 1906.

In accordance with the Reference made to me by the Sheriff Clerk of the Sheriff Court of holden at under Schedule I., paragraph (18), of the above-named Act, I have on the day of examined of (*name and address of workman*) and I hereby certify that his incapacity is [*or* is not] likely to be of a permanent nature.

Dated this day of .

(Signed)

Medical Referee.

(FORM F.)

Reference to a Medical Referee (*Schedule II.* (15)).

In the matter of the Workmen's Compensation Act, 1906,

and

In the matter of an Arbitration between—

A. B.

Address

Description Applicant,

and

C. D.

Address

Description Respondent.

As the case may be { (*a*) We, a committee representative of and his workmen, and empowered to arbitrate in the matter arising under the Workmen's Compensation Act, between *A. B.* and *C. D.*; (*b*) I, , an arbitrator agreed upon by *A. B.* and *C. D.* to arbitrate in the matter arising between them under the Workmen's Compensation Act, 1906; (*c*) I, Sheriff (*or* Sheriff-substitute); having heard the evidence tendered by both parties, hereby certify that in our (*or* my) opinion the medical evidence given before us (*or* me) is conflicting (*or* insufficient) on a matter which seems to us (*or* me) to be material to a question arising in the above-mentioned arbitration, and that it is desirable to obtain a report from a medical referee on such matter, as follows:

(A) On the day of personal injury was (*or* is alleged to have been) caused to * by accident arising out of and in the course of his employment, under the following circumstances:—

†

Or in a case of industrial disease to which the Act applies—

(A) On the day of the said * was, under section 8 of the above-named Act, certified to be disabled by, or suspended from, his

usual employment on account of his having contracted, a disease to which the said section applies, namely,‡

(B) The matter on which we are (*or* I am) satisfied that it is desirable to obtain a report is—

(C) Such matter seems to be material to the following question arising in the arbitration, viz. :—

We (*or* I) therefore appoint§ one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1906, to examine the said on the matter specified above, and to report to us (*or* me).

A statement of the medical evidence given before us (*or* me) is appended.

We are (*or* I am) satisfied that the said who is now at , is in a fit condition to travel for the purposes of being examined, and he has been directed to attend on the referee for examination at such time and place as shall be fixed by the referee; *or* does not appear to be in a fit condition to travel for the purpose of being examined.

The referee is requested to forward his report to—

The Sheriff Clerk,
Sheriff Court,

on or before the day of .

Dated this day of .

(Signed)
||

or On behalf of the Committee

Chairman / *Secretary* } *of Committee.*

Signature of Sheriff Clerk.

A previous reference was made to a medical referee in this case on the , 19 , and a copy of the report then given is attached.

* Insert name of injured workman.
† Here state the facts of the accident as ascertained from the evidence.
‡ Name disease.
§ The name must, if the reference is made by a committee or arbitrator, be left in blank to be inserted by the Sheriff Clerk.
|| For signature of sheriff or arbitrator.

(FORM G.)

Order on injured Workman to submit himself for examination by Medical Referee.

(*Title as in Reference.*)

To *Address.*
of *Description.*

TAKE NOTICE—

That the Committee (*or* arbitrator, *or* sheriff) have (*or* has) appointed one of the medical referees under the Workmen's Compensation Act, 1906, to examine you for the purposes of the above-mentioned arbitration, and to report to them (*or* him).

You are hereby required to submit yourself for examination by such referee,* and to attend for that purpose at such time and place as may be fixed by him.

Dated this day of .

(*To be signed in the same manner as Reference.*)

* Strike out from "and to attend" when injured workman does not appear to be in a fit condition to travel.

(FORM H.)

Notice by Medical Referee to injured Workman (Schedule II. (15)).

Workmen's Compensation Act, 1906.

To

I hereby give you notice that I have been appointed to examine and report on your case under Schedule II., paragraph (15), of the above-named Act, and that I propose to make such examination at on the day of at o'clock.

(Signed) *Medical Referee.*

(FORM I.)

Medical Referee's Statement of Fees in respect of References under Schedule I. (15).

Number.	Names of Parties.	Date on which Reference received.	Sheriff Clerk from whom received.	Date and Place of Examination.	Date on which Certificate sent to Sheriff Clerk.	Whether Certificate as to condition of Workman or as to cause of incapacity or both.	Amount of the Fees under each of the headings in Regulation 13. (i.)	(ii.)	(iii.)	Payments under Regulation 6.
							£ s. d.	£ s. d.	£ s. d.	£ s. d.
						£				

Total .. £ s. d.

* I hereby certify that I examined the above-mentioned (*name of workman*) on at which is distant miles from my residence or prescribed centre. (Signed)

* Endorsement to be made on back of statement.

(FORM J.)

Medical Referee's Statement of Fees in respect of References under Schedule I. (18).

Number.	Name of Workman.	Date on which Reference received.	Sheriff Clerk from whom received.	Date of examination.	Date on which Certificate sent to Sheriff Clerk.	Whether incapacity certified to be permanent or not.	Fees under Regulation 18.	Payments under Regulation 6.
							£ s. d.	£ s. d.

Total .. £ s. d.

(Form K.)

Medical Referee's Statement of Fees for attendances as Assessor under Schedule II. (5).

Number.	Date on which Summons received.	Sheriff Clerk from whom Summons received.	Date and Place of Attendance.	Fees under Regulation 19.	
				For attendance.	For miles travelled.
				£ s. d.	£ s. d.

* I hereby certify that I attended on the day of at the Sheriff Court, holden at , which is distant miles from my residence (or prescribed centre).

* Endorsement to be made on back of statement.

(Form L.)

Medical Referee's Statement of Fees in respect of References under Schedule II. (15).

Number.	Names of Parties.	Date on which Reference received.	Sheriff Clerk from whom received.	Date and place of Examination.	Date on which Report sent.	Amount of Fees under each of the headings in Regulation 30.				Payments under Regulation 6.
						(i.)	(ii.)	(iii.)	(iv.)	
						£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
					£					
									Total ..	£ s. d.

* I hereby certify that I examined the above-mentioned (*name of workman*) on , at , which is distant miles from my residence or prescribed centre.

(Signed)

* Endorsement to be made on back of statement.

(Form M.)

Record of References, &c., to be kept by Sheriff Clerk.

Sheriff Court . Name of Sheriff clerk,
For quarter ended .

Number of Reference. (1.)	Names of Parties. (2.)	Workman's Employment. (3.)	Date on which Reference forwarded to Medical Referee. (4.)	Provision in the Act under which Reference is made, and if under Sched. II. (15), by whom made.* (5.)	Whether Workman directed to attend on Referee, or not. (6.)	Medical Referee appointed. (7.)	Date and number of previous Reference in same case, if any. (8.)

* Here say whether committee, arbitrator or sheriff.

Note.—In cases where there is no Reference, but the Medical Referee is summoned to sit as assessor, the Sheriff Clerk should write a note to that effect across columns 4, 5 and 6.

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TABLE OF ALTERATIONS

ON

THE SCOTS STATUTES REVISED

AND ON

THE SCOTS STATUTES

BY THE LEGISLATION OF

7 EDWARD VII. (1907.)

NOTE.—The Scots Statutes Revised *are referred to by the Volume and Page*; *and* The Scots Statutes *by the Year and Page.*

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
I.	73	20 G. II. c. 43	§ 29 repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	80	21 G. II. c. 19	§§ 10 and 11 repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	93	28 G. II. c. 7	Repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	374	50 G. III. c. 112	§§ 36–38, 40 repealed, so far as they relate to Sheriff Courts, by 7 E. VII. c. 51, § 52, Sch. II.
,,	531	58 G. III. c. 28	§§ 2 and 3 amended by 7 E. VII. c. 13, § 4 (2).
II.	60	6 G. IV. c. 23	§§ 1, 3–5, 8 repealed, so far as they relate to civil causes in Sheriff Court; § 10 repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	93	,, ,, 120	§ 40 repealed, so far as it relates to Appeal for Jury Trial from Sheriff Court to Court of Session, by 7 E. VII. c. 51, § 52, Sch. II.
,,	126	9 G. IV. c. 29	§ 22 repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	215	11 G. IV. and 1 W. IV. c. 69.	§§ 22–24, 32 repealed; § 33 repealed in part by 7 E. VII. c. 51, § 52, Sch. II.
,,	219	1 & 2 W. IV. c. 13	Repealed in part prospectively by 7 E. VII. c. 3, § 1 (1).
,,	264	2 & 3 W. IV. c. 65	§ 36 repealed, so far as it relates to Sheriff and Sheriff-Substitute, by 7 E. VII. c. 51, § 52, Sch. II.
,,	403	7 W. IV. & 1 V. c. 41	§§ 2, 4–6, 9, 22, 36, Sch. C., amended by 7 E. VII. c. 51, § 42.
,,	458	1 & 2 V. c. 114	§§ 10, 11 restricted; § 19 repealed by 7 E. VII. c. 51; §§ 46, 52, Sch. II.
,,	470	,, ,, 119	Repealed, except §§ 25, 27, 28 and § 31, so far as that section relates to Courts other than Sheriff Courts, by 7 E. VII. c. 51, § 52, Sch. II.
,,	524	4 & 5 V. c. 38	§ 14 amended by 7 E. VII. c. 43, § 2.
,,	528	5 & 6 V. c. 35	§§ 48, 55 extended; § 40 amended as to companies; § 100 repealed in part; § 133 repealed, except so far as it is referred to or incorporated in any other enactment by 7 E. VII. c. 13, §§ 21 (1), 22, 24 (1), 30 (1), Sch. III.
,,	616	,, ,, 47	§ 59 restricted by 7 E. VII. c. 8, § 1 (1).
III.	460	16 & 17 V. c. 80	Repealed, except § 34, by 7 E. VII. c. 51, § 52, Sch. II.
IV.	62	18 & 19 V. c. 131	§ 1 amended by 7 E. VII. c. 43, § 2.
,,	396	25 & 26 V. c. 89	Amended; §§ 26, 28, 32, 43, 51, 56 (2), 143 amended; § 44 restricted; § 53 applied with modification; §§ 49, 65 repealed; §§ 51, 129 repealed in part by 7 E. VII. c. 50, §§ 10 (8), 17, 20, 24 (1), 25, 26, 40, 44, 45, 50, 51, Schs. III., IV.

Scots Statutes Revised. Vol.	Page.	Act.	Alterations.
IV.	531	26 & 27 V. c. 108	§§ 17, 18 restricted by 7 E. VII. c. 49, § 1 (1).
V.	45	27 & 28 V. 106	Repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	95	28 & 29 V. c. 30	§ 6 repealed by 7 E. VII. c. 13, §§ 24 (1), 30 (1), Sch. III.
,,	223	30 & 31 V. c. 96	Repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	245	,, ,, 131	§ 16 amended by 7 E. VII. c. 50, § 50, Sch. III.
,,	341	31 & 32 V. c. 100	§§ 65–70, 73, 79 repealed, so far as they relate to appeals from Sheriff Courts, by 7 E. VII. c. 51, § 52, Sch. II.
,,	534	33 & 34 V. c. 61	Extended to Companies insuring Employers against liabilities to Workmen by 7 E. VII. c. 46, § 1.
,,	575	,, ,, 78	§ 48 extended by 7 E. VII. c. 55, § 5.
,,	585	,, ,, 86	§§ 13, 14 repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	597	,, ,, 104	Applied, with modifications, by 7 E. VII. c. 50, § 38.
VI.	32	34 & 35 V. c. 58	Extended to Companies insuring Employers against liabilities to Workmen by 7 E. VII. c. 46, § 1.
,,	93	35 & 36 V. c. 41	Extended to Companies insuring Employers against liabilities to Workmen by 7 E. VII. c. 46, § 1.
,,	286	38 & 39 V. c. 45	§ 1 amended by 7 E. VII. c. 13, § 29.
,,	436	39 & 40 V. c. 70	§§ 4–25, 27–34, 46–52, Schedules repealed ; § 54 repealed, except so far as it relates to commissary regulations, by 7 E. VII. c. 51, § 52, Sch. II.
,,	459	40 & 41 V. c. 2	§ 6 restricted by 7 E. VII. c. 1, § 3 (2), and c. 20, § 2 (2).
,,	479	,, ,, 50	Repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	503	,, ,, 68	Extended to all pests by 7 E. VII. c. 4, § 1 (1).
VII.	11	42 & 43 V. c. 21	§ 18 amended as to Companies by 7 E. VII. c. 13, § 22 (2).
,,	26	,, ,, 76	§ 5 amended ; § 7 repealed in part by 7 E. VII. c. 50, § 50, Sch. III.
,,	42	43 & 44 V. c. 19	§ 21 (4) restricted ; §§ 52, 63 (1) (5) amended by 7 E. VII. c. 13, § 23 (1) (2).
,,	121	,, ,, 24	§ 134 amended by 7 E. VII. c. 13, § 4 (2).
,,	196	44 & 45 V. c. 58	§§ 43, 44 (provisos 9, 10), 46 (2) (3) (6), 49 (1) (*d*), 74, 133, 138, 183 (2) (4), Sch. II. (Part 1 (3)) amended ; §§ 44 (provisos 5-8), 135A, 180 (2) (*e*), Sch. II. (Part I. (2)) repealed. (See also 7 E. VII. c. 2, § 9 (1), Sch. III., for other modifications.)
,,	,,	,, ,, ,,	§§ 13 (1) (*a*) (*b*), 115 (7) (8), 175, 176, 181 (4) (6), 190 (12) amended ; §§ 33, 72, 80, 96, 98–101, 153, 154, 163, 164, 166–168 applied with modifications to Territorial Force by 7 E. VII. c. 9, §§ 10, 20 (2), 24 (3) (4), 26, 28 (1), 32 (3), Sch. I.
,,	297	45 & 46 V. c. 48	§§ 3, 6 (4), 11–13 amended as to special reservists by 7 E. VII. c. 9, §§ 30 (1) (3), 32 (1), 35.
,,	368	,, ,, 62	§ 7 amended by 7 E. VII. c. 36, § 7.
,,	411	46 & 47 V. c. 30	Explained by 7 E. VII. c. 50, § 43.
,,	460	,, ,, 55	§ 10 restricted by 7 E. VII. c. 8, § 1 (1).
,,	465	,, ,, 57	Repealed, except §§ 26 (5) (6) (7), 29, 47 (2) (3), 48, which are repealed prospectively by 7 E. VII. c. 29, § 98 (1), Sch. II.
,,	561	48 & 49 V. c. 63	Repealed by 7 E. VII. c. 29, § 98 (1), Sch. II.
VIII.	25	49 & 50 V. c. 37	Repealed by 7 E. VII. c. 29, § 98 (1), Sch. II.
,,	54	50 & 51 V. c. 16	§ 15 applied by 7 E. VII. c. 36, § 2.
,,	59	,, ,, 25	Repealed by 7 E. VII. c. 17, § 10 (1), and Sch.
,,	68	,, ,, 29	§ 3 amended ; §§ 5, 11, 12 applied with modifications ; § 8 amended (except as to London) and extended ; § 9 extended with modifications by 7 E. VII. c. 21, §§ 1 (1), 9 (2), 11 (2), 12, 13.
,,	113	,, ,, 58	§ 7 (par. 5) repealed, in part, by 7 E. VII. c. 10, § 1.
,,	166	51 & 52 V. c. 8	§ 24 (3) extended by 7 E. VII. c. 13, § 25 (2).
,,	201	,, ,, 50	Repealed by 7 E. VII. c. 29, § 98 (1), Sch. II.
,,	203	,, ,, 62	§ 1 (1) amended by 7 E. VII. c. 50, § 30.
,,	218	52 & 53 V. c. 10	§ 4 amended by 7 E. VII. c. 25, § 1.
,,	230	,, ,, 26	§ 2, Sch. A, amended ; § 8 repealed by 7 E. VII. c. 51, §§ 42, 44, 52, Sch. II.
,,	252	,, ,, 50	§ 9 (1) repealed by 7 E. VII. c. 48, § 1 (2).
,,	338	53 & 54 V. c. 8	§§ 7, 23, 24 amended by 7 Ed. VII. c. 13, §§ 17 (2), 23 (2), 27.
,,	350	,, ,, 21	§ 22 (2) restricted by 7 E. VII. c. 13, § 23 (1).

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VIII.	363	53 & 54 V. c. 39	Applied to Limited Partnerships [subject to provisions of 7 E. VII. c. 24] by 7 E. VII. c. 24, § 7.
,,	393	,, ,, 60	Amended by 7 E. VII. c. 13, § 17 (2).
,,	396	,, ,, 64	§ 5 restricted by 7 E. VII. c. 50, § 33.
,,	523	54 & 55 V. c. 39	§ 80 (2) restricted as to proxies executed abroad; § 116 extended; Sch. I. repealed in part and restricted. "Policy of Insurance" in Sch. I. explained by 7 E. VII. c. 13, §§ 6, 7, 8 (1) (2), 9, 11, 30 (1), Sch. III.
,,	603	55 & 56 V. c. 31	Amended; §§ 4, 7 extended; §§ 9, 19 (1) amended; § 18 (2) explained; §§ 1 (2), 2, 5, 16 repealed [except as to Scotland]; §§ 4 (2) (3), 11, 20 repealed in part [except as to Scotland] by 7 E. VII. c. 54, §§ 8, 9, 10 (1), 11, 13, 14 (1), 36 (1), 47 (4), Sch. II.
IX.	54	56 & 57 V. c. 66	§ 24 (1) restricted by 7 E. VII. c. 4, § 1 (2).
,,	57	,, ,, 71	§ 1 (1) amended by 7 E. VII. c. 23, § 6.
,,	81	57 & 58 V. c. 22	Repealed by 7 E. VII. c. 5, § 3 (2).
,,	85	,, ,, 30	§ 8 (11) extended; §§ 11 (2), 19 amended; § 17 virtually repealed; § 34 restricted by 7 E. VII. c. 13, §§ 12–14, 17 (1), 19 (8), 30 (1), Schs. II., III.
,,	202	,, ,, 60	§ 78 amended by 7 E. VII. c. 52, § 1.
,,	485	59 & 60 V. c. 28	§ 21 amended by 7 E. VII. c. 13, § 15.
,,	496	,, ,, 37	§ 3 amended by 7 E. VII. c. 13, § 17 (1), Sch. II.
,,	545	60 & 61 V. c. 38	§§ 57, 58, 59 amended by 7 E. VII. c. 30, § 1. Part IV. extended (as to Food Regulations) by 7 E. VII. c. 32, § 1 (3).
X.	1	61 & 62 V. c. 8	Repealed by 7 E. VII. c. 51, § 52, Sch. II.
,,	1	,, ,, 9	§ 1 amended by 7 E. VII. c. 9, § 32 (2).
,,	38	62 & 63 V. c. 9	§ 11 amended by 7 E. VII. c. 13, § 8 (3).
,,	94	,, ,, 51	§ 1 amended; §§ 2, 4, 17 extended; § 7 extended with modifications; § 7 (2) repealed by 7 E. VII. c. 21, §§ 1 (1) (2), 2 (2) (5), 5 (1) (2), 6, 11 (1).
,,	101	63 V. c. 7	§§ 2–7 repealed in part; § 12 (2) amended by 7 E. VII. c. 13, §§ 2, 3, 16, 30 (1), Sch. III.
,,	124	63 & 64 V. c. 48	Amended; §§ 2, 6, 11 applied with modifications; §§ 3 (3), 6 (4) (7), 10 (1) (4) (*b*), 12 (2) (*c*), 14, 23 repealed; § 2 (3) repealed in part; §§ 8, 10 (4), 12, 19 amended; § 7 extended by 7 E. VII. c. 50, §§ 1 (2), 2, 4, 6 (3), 8, 10, 19–22, 34, 51, Sch. IV.
,,	137	,, ,, 49	§ 12 repealed in part by 7 E. VII. c. 48, § 1 (2).
,,	160	,, ,, 50	Sch. I. extended by 7 E. VII. c. 54, § 35.
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1901	18	1 E. VII. c. 18	Repealed by 7 E. VII. c. 29, § 98 (1), Sch. II.
,,	21	,, ,, 20	§ 12 repealed by 7 E. VII. c. 17, § 10 (1), and Sch.
,,	46	,, ,, 22	§ 57 repealed by 7 E. VII. c. 10, § 1. Extended to Laundries, etc.; § 103 repealed; §§ 60, 114 (2), Sch. VI. (Part II.), amended by 7 E. VII. c. 39, §§ 1, 2, 4, 7 (3).
1902	21	2 E. VII. c. 34	Repealed by 7 E. VII. c. 29, § 98 (1), Sch. II.
1903	54	3 E. VII. c. 27	§§ 1 (2)–(6) applied with modifications by 7 E. VII. c. 37, § 1 (2), Sch. II.
1905	2	5 E. VII. c. 4	§ 7 (4) amended by 7 E. VII. c. 13, § 29.
,,	12	,, ,, 13	§ 3 amended by 7 E. VII. c. 23, § 21.
1907	61	7 E. VII. c. 28	Repealed by 7 E. VII. c. 29, § 98 (1), Sch. II.